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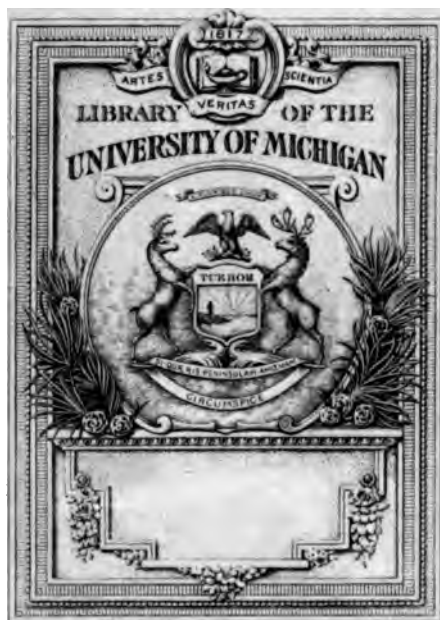
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CALENDARS.

Instructions to Editors.

The Master of the Rolls desires to call the attention of the Editors of Calendars to the following considerations, with a view to secure uniformity of plan in the important works on which they are engaged :—

He is anxious to extend, as far as is consistent with proper economy and despatch, the utility of the Calendars of State Papers now publishing under his control: 1st. As the most efficient means of making the national archives accessible to all who are interested in historical inquiries; 2nd. As the best justification of the liberality and munificence of the Government in throwing open these papers to the public, and providing proper catalogues of their contents at the national expense.

The greater number of the readers who will consult and value these works can have little or no opportunity of visiting the Public Record Office, in which these papers are deposited. The means for consulting the originals must necessarily be limited when readers live at a distance from the metropolis; still more if they are residents of Scotland, Ireland, distant colonies, or foreign states. Even when such an opportunity does exist, the difficulty of mastering the original hands in which these papers are written will deter many readers from consulting them. Above all, their great variety and number must present formidable obstacles to literary inquirers, however able, sanguine, and energetic, when the information contained in them is not made accessible by satisfactory Calendars.

The Master of the Rolls considers that, without superseding the necessity of consulting the originals, every Editor ought to frame his Calendar in such a manner that it shall present, in as condensed a form as possible, a correct index of the contents of the papers described in it. He considers that the entries should be so minute as to enable the reader to discover not only the general contents of the originals, but also what *they do not* contain. If the information be not sufficiently precise, if facts and names be omitted or concealed under a vague and general description, the reader will be often misled, he will assume that where the abstracts are silent as to information to be found in the documents, such information does not exist; or he will have to examine every original in detail, and thus one great purpose will have been lost for which these Calendars have been compiled.

As the documents are various, the Master of the Rolls considers that they will demand a corresponding mode of treatment. The following rules are to be observed :—

1st. All formal and official documents, such as letters of credence, warrants, grants, and the like, should be described as briefly as possible.

2nd. Letters and documents referring to one subject only should be catalogued as briefly as is consistent with correctness. But when they contain miscellaneous news, such a description should be given as will enable a reader to form an adequate notion of the variety of their contents.

3rd. Wherever a letter or paper is especially difficult to decipher, or the allusions more than ordinarily obscure, it will be advisable for the Editor to adhere, as closely as is consistent with brevity, to the text of the document. He is to do the same when it contains secret or very rare information.

4th. Where the Editor has deciphered letters in cipher, the decipher may be printed at full length. But when a contemporary or authorised decipher exists it will be sufficient to treat the cipher as an ordinary document.

5th. Striking peculiarities of expression, proverbs, manners, &c., are to be noticed.

6th. Original dates are to be given at the close of each entry, that the reader may know the exact evidence by which the marginal dates are determined.

7th. Where letters are endorsed by the receivers and the date of their delivery specified, these endorsements are to be recorded.

8th. The number of written pages of each document is to be specified, as a security for its integrity, and that readers may know what proportion the abstract bears to the original.

9th. The language of every document is to be specified. If, however, the greater part of the collection be in English, it will be sufficient to denote those only which are in a different tongue.

10th. Where documents have been printed, a reference should be given to the publication.

11th. Each series is to be chronological.

12th. The Prefaces of Editors, in explanation of documents in the volume, are not to exceed fifty pages, unless the written permission of the Master of the Rolls to the contrary be obtained.

•• Editors employed in foreign archives are to transcribe at full length important and secret papers.

CALENDAR
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COLONIAL SERIES,
AMERICA AND WEST INDIES,
27 OCTOBER, 1697—31 DECEMBER, 1698.

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P R E F A C E .

THE present volume opens at the day immediately following that whereon the news of the Peace of Ryswick was announced to the various Colonies. The cessation of arms was not unexpected, indeed hostilities had already well nigh ceased in anticipation of it; but there were two military expeditions whose issue was not yet fully known nor explained at the time when the Treaty was signed; and it will therefore be convenient to dispose of them before entering into the details of the Colonial administration.

Admiral
Nevill's expedition.

The first of these expeditions was that committed to the charge of Admiral Nevill which, as related in the preface to the preceding volume, had ended in an abortive cruise and in the death of its commander. Nevill, however, had found time before his death to pick a quarrel with Sir William Beeston, the Governor of Jamaica, and to endeavour to saddle him with the failure of the enterprise (57). To this most unjust insinuation Beeston replied with a series of indignant disclaimers (74, 90), setting forth that, but for the money which he had patriotically expended from his own pocket, the King's ships would never have been able to keep the sea at all. The Council of Trade loyally supported him against all the attacks of the naval officers (92), and were able to assure him of their undiminished confidence in his zeal and integrity. With his justification, therefore, the whole incident of the expedition came to an end. Beeston's anxious mind was set at rest, and the matter need trouble us no more (269, 551).

Colonel Gibsone's expedition to Newfoundland.

The second expedition was that despatched to recover Newfoundland from the French, the narrative of which was duly set forth by Colonel Gibsone at the end of November, 1697 (75). From this it appears that Gibsone and Commodore Norris found the harbour of St. Johns evacuated by the enemy, and thereupon proceeded to place it in a state of defence. After a stay of some weeks two French fleets, jointly of superior force to the English squadron, appeared before the haven, but sailed away without venturing to attack; whereupon Gibsone left nearly three hundred men under Major Handasyd to hold it and returned home. Long before he reached England, one-third of this unhappy garrison had perished, whether of cold or scurvy or exposure or epidemic disease there is nothing to show (51). However, from that moment Newfoundland became one of England's fortified stations beyond sea, and a factor in the problem of Imperial defence.

Imperial problems to be solved after the peace of Ryswick.

But this problem was only one of many which demanded solution at the hands of King William now that, for the first time since his accession, he had some leisure to devote to Imperial concerns at large. The war for the moment had ended owing to the general exhaustion of the combatants, but the so-called peace was but a truce—a short breathing-time before resumption of the fight—and it was of the last importance to turn every moment of it to account. For there was very much amiss that needed to be set right. The Acts of Trade and Navigation had been absolutely set aside while hostilities lasted, and it was necessary, by the help of the new Act of 1695-1696, to enforce them with all possible stringency. But this could only be effected by the King's ships, encouraged by the utmost zeal on the part of the Governors of all Colonies, whether in the hands of Proprietors or directly subject to the Crown; and there were dark complaints not only of illegal trading but of absolute piracy against practically the whole of the British Colonial possessions excepting Jamaica. New York, the Bahamas and Pennsylvania were specially marked out as the worst

offenders, their Governors being openly accused of encouraging pirates for their own emolument. These two questions of defence and trade were alone sufficiently difficult to tax all the powers of the Council of Trade and Plantations; and accordingly we find that they form the main subjects of the papers in the present volume.

Imperial
Defence.
Heavy losses
during the
war.

The principal trouble that arose at home at the end of the war was the payment of the disbanded troops; the English treasury being empty and the disorder of the public finances extreme. It is therefore not surprising to find that the Government sought at once to satisfy the demands of the discharged soldiers and to strengthen the armed force of the Colonies, by sending some of the veterans of the war across the sea and rewarding them with grants of land. The measure was the more obvious inasmuch as the defence of the West Indies depended, apart from the fleet, entirely on the militia, which was composed of white servants imported by the planters and indentured to them for a term of years. This system, however, had failed during the war owing to the enormous demand for recruits for the operations in Ireland and in Flanders, where the mortality had been unusually heavy. Schomberg's first campaign of 1689 had been particularly wasteful; and thousands of men had died, not from the sword but from disease and exposure due to the helplessness and, in many cases, corruption of the officers, and to the disorganisation of the military departments in London. The fighting in Flanders had been also most costly in the lives of men, Steenkirk having been one of the bloodiest actions on record, and Landen neither more nor less than a complete rout after a very long and stubborn engagement. Even later, when the successful siege of Namur had revived William's drooping laurels, the losses of the British Army had been enormous; and the Navy, it must be added, had suffered little less heavily than the Army.

Terrible
mortality in
the West
Indies.

In the West Indies likewise, owing to a succession of deadly seasons, the mortality among the white men had been very great. Barbados at the opening of the war had

Proposal to
send
disbanded
soldiers to the
Colonies.

cheerfully sent her militia to the reconquest of St. Kitts; but before its close her battalions had been so much thinned, that it had been necessary to send a regiment from England for her protection. In plain words the old system of defence by white servants had broken down; and a new system was required to take its place. The English Government, however, was quite unable to devise, much less to execute, the necessary measures. It had offered bodies of convicts to the whole of the Colonies as white servants, but was met everywhere, except in the Leeward Islands, not only with refusal but with very decided objections (1); and it seems for a time to have contemplated even the total abandonment of transportation as a punishment (65). But disbanded soldiers promised a far more desirable population to the Colonies, and therefore a sounder foundation whereon to build a new system of imperial defence. "New York," answered the agents for that province, "will hold a greater number of men than the King will think fit to send"; but, though apparently all the Colonies were prepared to receive them, not one was ready to pay the expense of their passage. Lord Bellomont advised that a certain number of soldiers should be sent out as a regular body in the King's pay, and gradually disbanded as they found employment in their new home; but this meant a heavy drain upon the exhausted English Treasury (4, 5, 7). Enquiry in other Colonies showed that white labourers were badly wanted in one and all, and that, if the difficulty of their passage over the sea could be overcome, the soldiers could find not only good wages but, in due course, grants of lands also. It was hardly to be expected that impoverished communities like Virginia and Maryland could furnish the necessary funds for the importation of immigrants; but it was reasonable to expect at best that the wealthy planters of Barbados, Jamaica and the Leeward Islands might make some effort. In all three of them, while the war lasted, the local governments had offered a bounty upon every white man brought into the different

Its failure.

islands; and Jamaica in particular had tendered to immigrants very favourable terms. "But," observed the Council of Trade, "their fears being dissipated, it is not to be expected that they will be very willing to comply with this Act, though it remains in force." Here the true British character comes out. The immediate peril being over, there was no occasion to profit by past experience or to take precautions for the future. Altogether the Council of Trade could only report that, if the King would be at the expense of transporting the soldiers to their destinations, the Colonies would be graciously pleased to receive them; if not, no doubt the Colonial merchants would be ready to take such as were prepared to sell themselves into servitude (25). The entire project therefore fell to the ground, and the King was fain to take refuge in an order, that the Governors of the Colonies should take care that the Acts enjoining the importation of white men were rigidly enforced (218, 238, 311). Since the execution of these Acts depended entirely on the goodwill of the planters, the order was no more than a pious hope, not worth the paper upon which it was written.

Fortification
of the
Colonies.

The fortification of the Colonies went the same way as the scheme for the immigration of disbanded soldiers. There were three officers of Engineers employed in the work when peace was signed, and their task was by no means completed; but none the less the Office of Ordnance, grudging the drain upon its funds, demanded that they should be recalled, quite irrespective of all questions of defence. In short the only department in which some precaution was taken against a recurrence of war was the Admiralty, which, upon the representation of the Council of Trade, provided a squadron of five ships for the West Indies (32, 198, 1,056). At the same time, looking to the difficulties incurred by naval commanders in obtaining money during the war, the Council of Trade recommended that the Admiralty should

appoint its own Agents or establish its own depots in the West Indies, for the supply of the King's ships with provisions and stores (427).

Permanent
garrison for
Newfound-
land.

A far more troublesome matter was the appointment of a permanent garrison for Newfoundland. The Office of Ordnance, as usual, at once demanded that all the gunners should be recalled, or the expense of their maintenance charged upon the Colony, according to precedent (239). That Newfoundland was not a Colony and that there was no one there to bear the expense, were matters which it never thought of considering. Colonel Gibsone, however, set forth in plain language that unless England was prepared to accept the ruin of the fishery and of all her interests in Newfoundland upon every outbreak of war, due provision must be made for the fortification of St. Johns and for the organization of the bodies of scattered settlers, which had planted themselves permanently in the different harbours of the island (286, 293). Captain Norris of the Royal Navy also gave advice as to the defence of St. Johns (301); and at the end of March the Council of Trade submitted a definite proposal for the fortification of the place, and for the establishment and victualling of a permanent garrison of fifty men, upon an increased rate of pay (333, 337, 338). Instructions were also issued for the exclusion of interlopers of foreign nations from the fishery (306, 339, 340). A very curious correspondence followed with the Victualling Board, which is of some interest as showing the allowance of food upon which the British sailor lived in those days (375, 384-386, 388-390, 437, 438, 443). The Ordnance Office also made a second protest against this additional charge upon their funds unless a proportionate additional allowance were made by the Treasury—an appeal which the Treasury could meet only with promises. However, in June, 1698, Commodore Norris received his instructions to sail with the armed convoy to Newfoundland and to establish the new garrison (498, 539-541, 573, 586-588); and on the 10th of August he reached St. Johns. In the previous year he had left there 299 men.

Of these 214 had died in the course of the winter from cold and exposure (1,041). Of the survivors an independent company was formed, and Gibsone in his reports upon the settlements (787, 852, 990), gave the number of permanent inhabitants as 1,416. Thus Newfoundland at last began to attain to the dignity of a Colony instead of a mere fishing station, at the trifling cost of two hundred soldiers frozen to death. Rarely has a great tragedy been summed up in as few words as in Lieutenant Colonel Handasyd's account of the hardship which "cost most of the poor men their lives" (1,041).

The garrison
of New York.

There remained one more garrison, that of New York, which, being the most directly exposed to the attacks of the French, demanded above all others particular attention. A new governor, Lord Bellomont, had been appointed to that Colony; and, for preliminary relief to the four companies which were entrusted with its defence, an iniquitous deduction of 30 per cent. from their pay was abolished (29,44). But their wages were still heavily in arrear, and they were in extreme want from lack of clothing (48). Worse than this the number of the settlers at Albany had been seriously diminished by death and removal during the war; and worst of all the Five Nations of Indians, which had formed the great bulwark against the aggression of the French from Canada, had been reduced from 2,800 to 1,320 fighting men (387). This was perhaps the most serious result of the whole war to the British; but, since the entire question was left for settlement by Lord Bellomont upon his arrival at New York, it will be more convenient to consider it later, when treating of his administration.

Illicit trade
and piracy.

I turn now from Imperial Defence to the two questions of trade and of piracy, which are so closely intermixed that it is impossible to deal with them separately. Illicit trade flourished in the whole of the North American Colonies without any exception, and always with the connivance of the Colonial, if not also of the Imperial, officers. In

Pirates
abetted by
Pennsylvania.

Virginia the method for reading the Acts of Trade seem to have been of the simplest and most primitive, accompanied by undisguised corruption (655, 684); but the evil began and ended with simple smuggling, and even this was checked, both there and in Maryland, by the energy of the Governors, Andros and Nicholson. The greater, therefore, was the indignation of these provinces, and particularly of Maryland, at the report that illicit trade and piracy alike were winked at by William Penn's deputy at Philadelphia. Some allowance must be made from the fact that Maryland was furiously jealous of Pennsylvania's energy and consequent prosperity, and had actually imposed special duties to damage her trade. It appears further that Governor Nicholson had sent an armed party over the Pennsylvanian border to arrest certain men who were accused of piracy and of harbouring deserters; which had likewise brought the King's Navy into violent collision and most unedifying correspondence with the Pennsylvanian authorities (76). But there seems none the less to be abundant evidence that Governor Markham at Philadelphia countenanced not only illegal trade but piracy, and that with little or no concealment (401-404). With great ingenuity the Assembly of Pennsylvania endeavoured to legalise this illicit traffic by removing questions of trade from the jurisdiction of the King's officers (633); but its defence of itself against the charges of Edward Randolph and others is not, in face of the evidence, very conclusive (759, 759). Moreover in spite of all warnings the Pennsylvanians persisted in the practices complained of, adding further to them the evil, which two generations later brought them into serious trouble, of refusing to allow their outlying settlers to organise themselves for defence against pirates and Indians (786, 796, 811, 827, 907). After every allowance made for the vexatious and oppressive nature of the Acts of Trade, there is something repellent in the picture of the Quaker settlement which is presented by these documents.

Pressure put
on Penn to
check illicit
trade and
piracy in
Pennsylvania.

The Council of Trade, however, was not disposed to pass lightly over this defiance of the Imperial authority while William Penn lay open to pressure in England. Among the provisions of the Act of 1695-6 for regulating the Plantation Trade was a clause that the Governors of Proprietary Colonies should take the oath to execute the Acts of Trade, and that their appointments should not be valid unless confirmed by the King. This clause had been generally evaded by the Colonies in question (p. 183); but it happened that the House of Lords had passed a resolution, that security should be required of the Proprietors themselves for the good behaviour of the Governors of their choice. The Council of Trade plied Penn among other Proprietors with this resolution, and Penn visibly writhed under it. He urged that the security should be required of the Governor himself by the King, forgetting that it could with better reason be required by the Proprietor; but it does not appear that the Council of Trade was disposed to relieve him of his responsibility. In truth he was inclined to excuse his Agents for all their malpractices, which increased the wealth of the settlement and presumably added to his own profits; and the course of his career, as revealed by these and former documents that have come under my notice, does not incline me to expect scrupulous honesty of the man. However at the last he yielded, though with no very good grace, so far as to disallow the Act passed by the Assembly of Pennsylvania for the neutralizing of the Imperial Act for regulating the Plantation Trade (1,060). To judge by the entry in the journal of the Council of Trade, his was not a very dignified submission (1,061).

Illicit trade
and piracy in
Rhode Island.

Still greater difficulty was found in another Chartered Colony, Rhode Island, where Quakerism was again made the pretext for refusal to obey the law. The Governor declined not only to take the oath to execute the Act for regulating the Plantation Trade, but even to recognise the King's Commission appointing a judge of the Admiralty Court within the province (282). To the grave charges of illicit

trade and connivance with piracy the Colony returned a vague and evasive denial (423, 434); but the evidence as to the dealings of the Governor, Walter Clarke, with pirates was too strong to be overlooked; and the Council of Trade, in reviewing the whole matter, recommended that Lord Bellomont should not only be required to examine and report upon the misdeeds of Rhode Island but should be armed with a *quo warranto* so as to vacate its charter (1,071). At this point the documents relative to the case in the present volume come to an end; but it is well known that Rhode Island remained a Chartered Colony to the end. Apparently the statesmen of King William the Third could never muster up courage to do away with Proprietary Colonies altogether, and bring the whole of them under the Crown; and this was a grave blunder; for their anomalous position forbade all unity of imperial policy and administration.

Traffic with
pirates in
other
Colonies.

Of the other Colonies, Connecticut was as freely accused as the rest of traffic with pirates (p. 183), though her Governor and Council absolutely denied it (194, 628). Carolina, though there are no documents concerning her in the present volume, had long enjoyed a bad reputation as a hot-bed of piracy, and with the best of reason. Even worse than Carolina were the Bahamas, which belonged to the same Proprietors and were equally uncontrollable. There the charges against the Governor, Nicholas Trott, were of the gravest, for it was alleged that he had not only trafficked with Every *alias* Bridgeman, the most notorious pirate of the day (928), but that he had played the part of a common wrecker (1,034). There can, I think, be no doubt that Trott was a great scoundrel, though it is hard to say whether he was worse than the Quaker Governors, Markham of Pennsylvania and Clarke of Rhode Island. But the most serious offenders of all, to all appearance, were the merchants of New York, abetted almost openly by the King's Governor, Colonel Benjamin Fletcher. It will presently be necessary to follow Fletcher's career in detail; but first it will be

instructive to see what was the range of the pirates which so greatly occupied the attention of the Council of Trade in 1698.

The pirates in
the East
Indian Seas.

In former volumes of this Calendar we have seen little of pirates, privateers or buccaneers except in the Caribbean sea; and the Colony which was chiefly concerned, first in encouraging and lastly in suppressing them, was Jamaica. To all intent it may be said that these old buccaneers had come to an end in 1697; but a new race of pirates had carried their depredations into another quarter, the Red Sea. The complaints of their ravages came no longer from Spanish and English Governors but from the East India Company, which viewed them not only with indignation but with the greatest alarm. The first account before us narrates the capture of seven ships belonging both to native owners and to the Company in the Persian Gulf, the Gulf of Aden and the Arabian Sea, John Hore being the captain of one of the piratical craft, manned chiefly by Englishmen. It was alleged that her crew had shared as much as £700 a man (115 i). A second letter (201) gave a further account of Hore and his consorts; and a relation of an Englishman, who was actually captured by the pirates; affords an interesting account of their methods, mentioning also the name of Glover as one of the pirate-captains (224). By February, 1698, the matter was judged to be of such weight that the great officers of State as well as the Council of Trade were summoned to deliberate upon it. Fresh evidence kept pouring in (234, 235), all bearing witness to the havoc wrought by these ruffians upon the commerce of the East Indian seas, and to the terror of the East India Company lest the native princes, in wrath at their losses, should avenge themselves upon their factors. The pirates invariably sailed under the British flag, and had consequently brought the British name into general detestation. Moreover it was absolutely certain that these predatory vessels were equipped by British Colonists at various American ports, but chiefly from Rhode Island and New York. The Council of Trade

therefore recommended that a squadron should be fitted out without delay to root these plagues out of their base at Madagascar, but added that, unless the Proprietors of the Proprietary Colonies were required to give security for the good behaviour of their Governors, they saw no prospect of putting an end to the evil. The King approved of the recommendation as to the squadron, and ordered also that a circular should be sent to all the Colonies (309), requiring them to pass a stringent Act, on the model of Jamaica, for suppression of piracy (265, 267). A severe bill for the same end was also drafted from England (338).

The pirates' base at St. Mary's off Madagascar.

New information now arrived as to the fortified base from which the piratical expeditions were despatched, at St. Mary's Island off Madagascar (279). It was under the command of an old pirate named Baldrige, and was regularly furnished with supplies and stores by Frederick Phillips or Flypse, a merchant of New York and a member of Council. Then came letters reporting that the Arabs of Muscat had caught the trick of plundering British vessels from the British pirates (383). Then came a long despatch from Edward Randolph giving fresh evidence of the friendly feeling towards pirates in Carolina, Philadelphia, New York, Connecticut and New Jersey (451), and of the profits made by the Governor of Rhode Island by his connivance with them (521). Then arrived a fresh batch of letters from the East India Company setting forth the misdeeds of a still more notorious pirate, Captain Kidd, with hints that, besides the merchants of New York and Rhode Island, those of New England were also in co-operation with him and his peers, and that the Governor of Barbados held shares in the venture (723 l.-viii). The impudence and also the cowardice of these sea-robbers is well set forth in the narrative of an Englishman who was a prisoner on board one of their vessels. But the profits that they made were enormous (734). Fresh evidence followed hard upon this (742, 743), a part of it gravely incriminating Governor Fletcher of New York. Incidentally there was given a curious example of the

manner in which these thieves settled a difficulty that had arisen out of the division of their gains. Fourteen pirates on arriving at Madagascar found that their booty was insufficient to reward them all, and therefore separated themselves into two bodies of seven to fight for what they had taken. The contest must have been severe, for all seven of one party were killed and five of the other, so that two men finally enjoyed the whole of the booty (771).

Expedition to
exterminate
the pirates in
the East
Indies.

Meanwhile the Council of Trade was busily advising with the East India Company over the voyage of the squadron which was to put down these pirates, making such progress that early in March they were able to lay definite proposals before the King (304, 327). Comparatively little was known about the navigation of the East Indian seas, and accordingly it was necessary to call upon the few skilled navigators who had experience of them for information. Captain Thomas Warren was the first of these (694), and later on a more famous sailor, Captain William Dampier, was summoned (851). After much discussion the instructions of the Commodore in command of the squadron were determined (783, 788, 797, 806, 832, 882); a fifth-rate frigate was added to the force originally proposed (703); and all was ready for the deliverance of British East Indian Trade from the piratical attacks of the British Colonies.

Lord Bello-
mont's
enquiry as to
equipment of
pirates at
New York.

It remained next to assail the true source of the evil in the Colonies themselves, which duty was assigned to Richard Coote, Earl of Bellomont, the newly-appointed Governor of New York and New England. He had sailed for New York in the winter of 1697, but, being driven off the coast by a gale, found himself in January in Barbados, having parted company from every ship of the little squadron that had sailed with him (158, 159, 181). The winter was unusually severe, and many of the American harbours were frozen up, so that perhaps he was fortunate in being blown off the coast (326, 348). He did not leave Barbados until the 9th of March nor reach New York until nearly a month later, being

finally sworn in upon the 2nd of April (347, 472). Upon his arrival he found the Council very backward in offering information or assistance; and their attitude did not become more friendly when he opened his reign by the seizure of several vessels that were engaged in illicit trade. "I see by their carriage," he wrote, "and by their resentment of the seizure [of an illegal trader] that the discharge of my duty has given them an unaccustomed disturbance." Further enquiry revealed a large trade between Madagascar and New York, and that three notorious pirates held Governor Fletcher's commission. Moreover it appeared that Captain Tew, one of the worst of them, had been publicly entertained and caressed by Fletcher, and had given to the Governor, to his wife and to his daughter large sums which could only have been gained by piracy. There was evidence also that William Nicoll and Nicholas Bayard of the Council acted as Fletcher's brokers in his dealings with pirates at large (473). Moreover a captain of one of the King's ships showed such reluctance to seize the crew of a piratical ship that Bellomont was obliged to suspend him from his office. Lastly Mr. Chidley Brooke, the Collector of the King's revenues and a member of Council, announced that "the giving protection to pirates had not formerly been looked upon as so great a matter, and that all the neighbouring Governments had done it commonly." To this Bellomont answered that they might think it a peccadillo, but that the King regarded it as a high offence. Thereupon he decided that Fletcher should be sent home a prisoner to be dealt with by the King, and that William Nicoll also should be suspended from the Council and tried in the province (433). At the same time Bellomont discovered that there had been great abuses in regard to illicit trade, and that, although the city of New York had increased greatly in wealth, the receipts from the King's customs remained stationary (501, 513). Before long he judged it necessary to suspend Chidley Brooke and William Pinhorne, as well as Nicoll, from the Council (593), Brooke having connived at the introduction of East India goods from

Madagascar into New York, under the Governor's very nose (593 IX, XII).

Bellomont's
excessive
hostility
towards
General
Fletcher.

So far the evidence produced by Bellomont against Fletcher, Nicoll and Brooke fully justified his action; but very soon he lost sight of his true objects, namely the suppression of illegal trade and piracy, in the delight of persecuting Fletcher and his associate. In the madness of party-spirit which prevailed at the time, he was not content with preparing punishment for genuine evil-doers, but must needs espouse the cause of the deceased ruffian, Jacob Leisler, and revive all the old animosities which had been aroused by his usurpation of power and his subsequent overthrow. Before he had been at New York six weeks he recommended several adherents of Leisler and bitter enemies of Fletcher as fitting persons for Councillors (472 VI); and he suspended William Pinhorne from the Council on the most flimsy evidence of Jacobite sympathies (502 I, II. 593 VII). Moreover he exhausted himself in collecting proofs that everything that Governor Fletcher had ever done in New York was wicked and felonious. The documentary evidence of Fletcher's dealings with pirates was quite serious enough; but Bellomont, although there were hundreds of more important matters that urgently demanded attention, now took him to task for his manner of announcing the signature of peace to the Governor of Canada (394, 504), for passing an Act injurious to the town of New York (593 I-III) and finally for shameful treatment and defrauding of the King's troops (p. 283), and for neglect of the defence of the province. Then followed further accusations of wrongful grants of land and of selling the Governor's garden (622, 622 I-XII). Yet in the midst of all this we see, to our amazement, Captain Adam Baldrige, the commandant of the piratical base of operations at St. Mary's, Madagascar, moving freely about New York, with the reputation of a sober respectable man, obtaining free access to the Governor, and actually proposing to him the settlement of a Colony at

St. Mary's itself, which Bellomont in his innocence recommended to the Council of Trade (622). The natural inference is that Bellomont was more zealous than wise, which indeed seems to have been the fact.

Fletcher's
defence
against
Bellomont's
charges.

In July, Fletcher arrived in England and surrendered himself to the King's pleasure (657); and meanwhile Bellomont paid the annual visit to the Five Nations, which was the time-honoured method of renewing friendship and alliance with them. Here finding fresh matter for accusation against Fletcher for corrupt disposal of Crown lands, he cancelled all the grants that he had made (822). A month or so later he sent an agent, Mr. Weaver, to England, loaded with evidence against the late Governor (846, 859, 860); and in October the Council of Trade made its first representation to the Lords Justices upon the whole matter, supporting Bellomont's action throughout. Pursuing his investigations he proceeded next to suspend the remaining members of Fletcher's Council (p. 487); and it is somewhat amusing to find that Abraham Depeyster, one of Leisler's warmest partisans, who was now appointed both a Councillor and a Judge, was, like his opponents, suspected of complicity with illegal trade (879). It would be wearisome to go into detail of Bellomont's further charges against Fletcher, which will be found on Nos. 921, 929, 944, 978, 980, 981, and 988. There can be no question of his energy, and he was not a little disappointed that, in spite of all his voluminous despatches, he remained for six months without a word from the Council of Trade (992). However, the Council was far from idle, for in November it formulated its charges against Fletcher in seventeen articles (1,007). To these he returned a reply which was certainly more effective than could have been thought possible (1,077); the explanation being, as already mentioned, that Bellomont, in excess of Anti-Jacobite zeal, foolishly tried to turn every action of his predecessor into a crime.

Demoralising
effects of the
Acts of Trade.

At this point this extraordinary story of rascality closes, so far as the present volume is concerned; and it is difficult

to say whether it reflects more discredit upon the Colonies or on the Mother Country. There can be no doubt that New York contained some of the greatest scoundrels in the world, who were not, however, without their peers in other of the Colonies. On the other hand it cannot be questioned that the Acts of Trade exerted a most demoralising influence, and were mainly responsible for the cynical immorality with which the Colonial merchants made good the losses which the war had brought upon them. Had trade been free and open, they could have carried on their traffic with the East Indies and the Dutch Colonies with perfect honesty; but being hampered on every side by restrictions imposed upon themselves and by privileges granted to their more fortunate neighbours, they were almost compelled to subterfuge and violence to procure to themselves any commerce whatever. The legislation which sought to ensure close trade within the empire was the root of all the evil; and, from the perusal of the documents in the present volume alone, it is easy to see that the system, if persistently followed, could not fail to bring about a rupture between the Colonies and the Mother Country.

Encroach-
ments of the
French upon
the British in
North
America.

From the general consideration of Imperial concerns I turn now to more particular treatment of affairs in each Colony. In New York itself, as may be imagined, the advent of Lord Bellomont and the oversetting of the easy methods which had reigned before his coming, caused considerable tumult; but there remain one or two other points which are deserving of mention. Of these, the most important was the attitude of the French. Frontenac, an extremely able and ambitious man, was not disposed to abandon the advantages which he had gained over the Five Nations during the war, and was pursuing them steadily until Bellomont's arrival. Bellomont, however, to his credit, saw the danger, took especial pains to conciliate the Indians and, in a very sharp letter, gave Frontenac to understand that the British troops would advance against him instantly unless he left the native allies of England in peace (822 v.). This bold attitude was the more necessary inasmuch as the French were inclined to

encroach upon British America from every side. The delimitation of the boundaries under the Peace of Ryswick offered a good opportunity for them to press their pretensions; and John Nelson, who was better informed than any other man as to the ways of the French, was urgent that the Council of Trade should be upon its guard, lest they should contrive to oust the British from the fisheries on the coast of Nova Scotia (21, 82, 948). To strengthen the hands of the Council the old claimants to Nova Scotia produced for the fiftieth time the musty deeds and grants upon which they founded their proprietorship (151). Nor were the fears of Nelson groundless, for the French at once demanded wider boundaries than they had any right to claim, and actually banished British fishing vessels from a part of the coast (922, 986). In Hudson's Bay again they showed signs of attempting to monopolise the fur-trade, without waiting to fulfil the agreement required of them by the treaty (449, 486-488). This, of course, was the traditional policy of the French monarchy, which was continued for yet another sixty years before the British finally lost patience and rooted them out of the continent. Since Bellomont was Commander-in-Chief not only of New York but also of New England, the adjustment of boundaries with the French was in itself almost a sufficient occupation for him; and he showed not only spirit but good sense in threatening to curb Frontenac from the very first by force.

Quarrel
between New
York and New
Jersey.

Another matter which concerned New York City very nearly, was an attempt on the part of New Jersey to set up Perth Amboy as her commercial rival. In consideration of her position as the frontier of the British territory towards the French, New York had received the privilege of being the sole port in the Hudson River, and, when New Jersey contested her monopoly, the Council of Trade decided that the privilege must be upheld (2, 69). This decision, however, was by no means satisfactory to Governor Basse of New Jersey, who, in defiance of the King's order, persisted in asserting the right of his province to a free port at Amboy.

Not content with this, moreover, he refused to extradite two pirates, who had been arrested in New Jersey, to the Admiralty Court at New York. This contemptuous behaviour put Lord Bellomont upon his mettle at once, and he wrote Basse a letter in terms so sharp that the two prisoners were given up without more ado (622, 622 XII.). In the matter of the port at Amboy, however, Basse persisted in his defiance, with the result that the whole matter was again referred home to the Council of Trade (695, 1,073). These were the petty squabbles which kept the Colonies divided against themselves even in the presence of urgent danger, and which the King had no power to compose. He might pass judgment upon a dispute, but he could not execute it; and the various provinces, fully aware of the fact, never hesitated to reject his authority when it suited their purpose.

Massachu-
setts.

Of the rest of the northern provinces there is little to be said. Massachusetts, under the rule of Lieutenant-Governor Stoughton, was singularly quiet and peaceful, though none the less she worked quietly and stealthily for emancipation from the Acts of Trade. To evade the new Act for regulation of the Plantation Trade the Assembly had passed an Act for Courts, providing that all issues should be tried by a jury, and thus striking at the root of the new proviso, that all offences against the Acts of Trade should be tried by an Admiralty Court, where there was no jury. This was precisely the same shift as had been tried in Pennsylvania, and it met with the same fate—the royal veto. Another difficulty was that the King had lately allowed to the officers of his Customs and Admiralty Courts the right of appeal to him in Council. If the Acts of Trade were to be enforced, this was unquestionably necessary, for no Colonial Court would condemn seizures made by the King's officers; but, on the other hand, it was an undoubted hardship that those officials should have the power to put the Colonial authorities to the expense of a re-trial of their cause, possibly on frivolous grounds, in London, three thousand miles away. The Council of Trade was much puzzled by this dilemma, for the new charter of Massachusetts

certainly favoured the Colony's contention against this power of appeal ; and yet it was obvious that the failure to make provision for these cases under the Acts of Trade was an oversight (677, 725). But in spite of these controversial matters, any mishandling of which by the Council of Trade would have raised an uproar, the condition of Massachusetts was enviably quiet.

New Hamp-
shire.
Defiance of
the Royal
authority.

Very different was the case in the neighbouring province of New Hampshire. There the long-suffering John Usher was still nominally Governor, without salary, without authority, and without instructions. In the preceding volume of this Calendar was given an account of the usurpation of his Government by three dismissed Councillors ; and the first notice of him in the present volume is of his supersession by yet another usurper, Samuel Partridge, in defiance of the King's order that for the present he should retain his post as Governor (108). Usher therefore retired to Boston to await the coming of Lord Bellomont, to whom the question of New Hampshire, as indeed of all other difficulties, had been referred for report (120). Partridge meanwhile announced that he had taken up the reins of government (145), and at once made friends of Usher's chief opponents ; while the Assembly, to aggravate the late Governor's mortification, chose " a common drunkard and notorious felon " for their Speaker (186). Stoughton at Boston seems to have been much puzzled as to the duty required of him in respect of New Hampshire, but wisely decided not to interfere (191). The Assembly then sent to the Council of Trade an address of thanks for substituting Partridge for Usher, which as a matter of fact it had never done ; and Usher, evidently not unhappy at finding himself comfortably settled at Boston, commented bitterly on the proceedings from a distance (324, 454, 582), with an occasional diatribe against all Proprietary Governments (947). He was presently avenged by the arrival of Samuel Allen, the Proprietor, who assumed the Government, and attempted to oust Partridge and his associates, though without success. He soon found himself in

precisely the same position as Usher, utterly powerless despite the King's commission, and thwarted even at Whitehall by the powerful influence of Sir Henry Ashurst, the Agent for Massachusetts (1,022).

Maryland
The
Governor's
quarrel with
the Assembly.

From the northern I pass to the middle Colonies, which as usual were enjoying comparative repose. Pennsylvania, as has been seen, was not without her troubles over piracy and illicit trade, but Maryland was reasonably quiet and Virginia positively torpid. Some small excitement, however, was maintained in Maryland by the steady opposition of the lower house of Assembly to Governor Nicholson, apparently by the subornation of one Gerard Slye. Some of the messages which passed between the Governor and the Assembly are extremely ludicrous, though the wrangle at large, which may be followed in the Journals of the House of Delegates, is inexpressibly wearisome. In No. 329 for instance will be found a brisk passage of arms over the payment of a Minister for his sermon to the two Houses; the Council urging that they were as good judges of a sermon as the Delegates, and the Delegates retorting that, since the disbursement of the public money was in their charge, it followed as a necessary consequence that their own judgment was superior. This called down a sharp rebuke from the Governor; and then arose another quarrel about the journals of the Delegates, in the course of which it appears that the House adjourned to the bedroom of the Speaker, who was unwell, and solemnly held at least one sitting there. Meanwhile Gerard Slye found allies against the Governor in John Coode, long a troublesome character, and one Philip Clarke (371); and, being apparently heartened by their moral support, he sent to England a long list of charges against Governor Nicholson. These are worth study (508) as an indication of the means by which an ignorant Colonist hoped to discredit a Governor at Whitehall. Thus the first charge was that he made his chaplain walk bareheaded before him from home to church; the second that at the beginning of the Litany he kicked a worthy member of Assembly out of

church; the third that he went to receive the sacrament "in a military manner with drums beating, sword by side and flag flying on the house when divine service was said"; the fourth that he "disguised his chaplain in drink," and then held him up to the reproach of the congregation. In very small and primitive communities the mere whisper of such accusations causes a stir, and men quickly take leave of their sense of the ridiculous. Puffed up by his own importance, Slye presently added a fresh list of charges as ludicrous as the first, and shortly afterwards found himself arrested and brought before the Council, when he appears to have behaved himself according to his notion of what was becoming in a village Hampden (651). Before long, however, he was fain to cry for mercy (790), and his allies also found themselves in serious trouble (812). The House of Delegates, however, at once espoused the cause of Philip Clarke, who was one of themselves (925-927), and only after a long wrangle was finally shamed by Nicholson into decent behaviour (975, 976).

The only other documents of any interest are an address from the Council deprecating any restoration of the Government to Lord Baltimore (518 iv.) and a lengthy report by Nicholson upon the condition of the province generally (760). In this last is a remarkable passage giving an account of the French explorations along the Mississippi, and warning the British Government of the danger lest the French should encompass the English settlements on every side. Another passage and an enclosure (760 v.) show that Nicholson had no very friendly feeling towards William Penn (388), and resented very strongly the independent attitude taken up by the Proprietary Colonies, as demoralising both to themselves and to their neighbours. For the rest it must be noticed that in May he was promoted to be Governor of Virginia in place of Sir Edmund Andros, and that Nathaniel Blakiston was appointed to succeed him in Maryland (528, 679). Nicholson seems to have deserved his advancement thoroughly, being a man who thought more of the King's and the Colony's service than his own. There is a pleasant notice of his

providing Bibles, a reader, "and a mutton and maize for "thirteen people every Sunday," at some cold springs to which the poor were flocking, owing to the fame of extraordinary cures wrought by the waters (544). Again when the King desired "one hundred mocking-birds for his volery at Loo "and any other birds or beasts that could be sent," Nicholson ordered notice thereof to be given to the poorer people, saying that he would see himself that they were paid (654).

Virginia.

Respecting Virginia the documents in the present volume are of little interest, the most important of them being a revelation of the corrupt practices which prevailed among the Council, and which had already been exposed by Dr. Blair (656). Incidentally the question was raised whether a Scotchman could sit in the Council or Assembly of any Colony under the new Act for regulating the Plantation Trade, for Blair's openness in laying bare the misdeeds of the Virginian Councillors had not gained him popularity in the province. Strangely enough the same difficulty had arisen in Barbados also, but was finally laid to rest by the opinion of the law-officers of the Crown, that Scotchmen, being in law natural born subjects of England, were Englishmen within the meaning of the Act (608, 950, 951). It may be noticed that by the royal instructions to Governor Nicholson the immunity of Councillors of Virginia from civil process was abolished and other of their privileges abridged; and indeed it was high time (819). For the rest, it appears that Governor Andros, probably under the influence of some Councillor, protected John Coode, the most troublesome of Nicholson's firebrands from Maryland, in a fashion which was anything but friendly; and it is pretty clear that after more than twenty years of work in the Colonies the old Guardsman was unfit for his place (952). The only other document of interest is an appeal from the merchants of Virginia and Maryland to the King to make fresh intercession with the Tsar for admission of their tobaccos to Russia (202).

Barbados

Leaving now the continent of America I turn to the West Indies, and first of all to Barbados. The first document worthy of attention is an anonymous letter addressed to the Agents complaining of the maladministration of justice and of the diminution of the white men, which last is attributed not a little to the "covetous desires of persons in the greater plantations to engross all the little ones and lay them to their own" (52). Anonymous letters are rarely worthy of notice. But this is an exception, since it takes some notice of the needs of the Colony generally for defence, as well as of the needs of the planters only for profit. Under the feeble rule of President Bond, however, little initiative of any kind was to be expected; and although in the course of 1798 he was superseded by the appointment of Ralph Grey to be Governor, there was not sufficient time for the new administrator either to enter upon any measure or to report upon the general condition of the island before the close of the year.

Leeward
Islands.
Charges
against
Governor
Codrington.

In the Leeward Islands matters were far more lively. During Admiral Nevill's stay at the islands while on his way to St. Domingo he had received an anonymous letter, bitterly complaining of Governor Codrington's tyranny and oppression; and the same story with many additional accusations was now brought forward by a planter named Edward Walrond. The charge upon which Walrond laid most stress was that Codrington had shielded one Captain Arthur from prosecution for treasonable language against King William, because he had himself employed Arthur in conducting illicit trade for his own profit (31). Codrington at once answered with an angry denial (219), and the Assemblies of Montserrat and Antigua came forward to vindicate his good service to the Government (293, 376 III.). But Walrond returned to the charge with fresh allegations of the Governor's connivance at illegal trade, supported by long and voluminous documentary evidence (431); and, whether these were true or false, Codrington now gave him a further opening by carrying on a relentless persecution of one John Lucas of Antigua, who

had been the author of the anonymous letter to Admiral Nevill (765). Lucas, who seems to have been a most contemptible character, bewailed himself loudly to his relative Lord Lucas; and his cause was of course warmly embraced by Walrond (605, 616, 626), who now appeared upon the scene in England and became extremely busy in plying the Council of Trade with documents in support of his charges (639, 640). The Council, though fully alive to the patriotic services of Codrington during the war, could not justify his conduct towards Lucas, and ordered him peremptorily to release him at once from the confinement in which he held him, and to allow him to return to England (649).

Codrington's
defence.

Meanwhile Archibald Hutcheson, who had been Codrington's secretary in the West Indies and was now his Agent in England, drew up many letters to the Council of Trade in his defence (658-660, 669) and apparently not without success; for Walrond addressed indignant remonstrances both to the King and to the Council of Trade, protesting that his patriotic endeavours to bring a great criminal to justice were defeated by official procrastination (671, 676). A fresh lament from Lucas enabled him to resume his attack upon Codrington, after which he waited for a month and then made a second angry protest to the Council of Trade. "The particulars of Captain Arthur's case have been before you for ten months, and Governor Codrington's answer for four months, yet no report has been made. . . . I expected to have met in England with encouragement suitable to the services I had endeavoured to render by detecting villanies injurious to the public, but I can say that no man ever had less" (682, 722). This was on the 3rd of August, and on the 10th he wrote once more in frantic indignation: "Governor Codrington has reached to that pitch of injustice that if all the ill practices of the Governors of the West Indies since their first settlement were summoned up together, they would not be tantamount to his" (741). This is the language of baffled vindictiveness; but the man was a good

His guilt held
to be proved.

His death.

His services
and short-
comings.

hater, and after showering yet a few more depositions upon the Council of Trade (774, 775, 779, 785) he was at last gratified by the appearance of its report upon the whole case. It was not complimentary to either side, but upon the main issue the Council could not but come to the conclusion that Codrington had not behaved as his duty required him either in respect of the treasonable language used by Arthur, or in his arbitrary persecution of Walrond and Lucas. Hutcheson attempted still to prolong the controversy; for Walrond was about to follow up his success by carrying his complaint against Codrington to the House of Commons, when a week later all further proceedings were stayed. Codrington had been dead for two months, having breathed his last on the 20th of July (692, 834); and Walrond's triumph was only over his corpse.

It is melancholy that the career of such a man should have had so mean and sordid an end. Codrington had done very great service to the State. He had taken over the administration of the Leeward Islands when their strength was paralysed by internal divisions, and their courage damped by a successful attack of the French. He assumed command of the disheartened little communities with a firmness which instantly restored confidence, organised their forces, drove the French from St. Christophers and, with little or no help from England but chiefly by the resources of his own purse, preserved them against further mischief from the enemy and kept hope and courage alive in them. Yet he was a true West Indian planter, and could not resist the temptation of adding to his already enormous wealth and influence in the various islands. The Acts of Trade and Navigation furnished an opportunity for making very large illicit gains. Every man who possessed any capital was enriching himself by such gains, and he, possessing larger sums than any, was able to enrich himself more than others. Welcomed at first as the saviour of the Leeward Islands, he was able to exert almost despotic power, and, from using it wholly for the public service, soon began to abuse it for his own profit. It was not

possible that he should fail to make enemies in such a position; and when these became formidable, he endeavoured to crush them by arbitrary exercise of his powers. Then he was beaten. He had stooped to the level of his brother-planters, and they dragged him down to ruin. It is abundantly evident that Walrond's motives in prosecuting him before the Council of Trade were governed by no thought of the public service. He was simply wreaking personal spite upon a man whom he had once courted; but he had right upon his side, and the Council of Trade, though evidently reluctant to blame Codrington, with great integrity upheld him. Happily this miserable story has been forgotten, and Christopher Codrington is remembered only by the library which he founded at All Souls' College, Oxford, and the Theological College which bears his name at Barbados.

Jamaica.
Sir William
Beeston's
criticism of the
Acts of Trade.

Passing next to leeward we come to Jamaica, where the peace was more welcome to no man than the hardly-pressed Governor, Sir William Beeston. He had guided the island through many misfortunes of war, earthquake and pestilence, and for his reward had received little but hard usage at the hands of Admiral Nevill. But, as has already been told, his good service had won for him the confidence of the Council of Trade, which rightly supported him through evil report and good report. The emptiness of the British Treasury, however, had driven him to great straits. The British fleets had long been kept at sea by the contributions of himself and his brother-merchants; and the latter, growing weary of long delay in repayment and of the receipt of bad tallies in return for good money, would advance no more (90). His vexation was aggravated by the only remedy proposed by the Council of Trade—stringent enforcement of the Acts of Trade and Navigation. “Nothing is so ruinous to the settlement of “these Colonies as these Acts, for we are not supplied [with “European goods] from England nor suffered to be supplied “from elsewhere. So too with our produce, the English send “no ships to take it away and no one else is allowed to take “it away, whereby the people lose their labour, charge and

“industry, and the King his customs. It is easy to show that
 “but for those Acts this island would be settled and peopled
 “without any charge to the King, and the customs from hence
 “thrice larger any year than they are now” (91).

His scruples
 over the Act
 for regulating
 the Plantation
 Trade.

It may have been partly from resentment against these commercial restrictions that Beeston hesitated at first to take the oaths imposed upon him for the execution of the new Act for regulating the Plantation Trade. As was seen in the previous volume, he had scruples as to swearing to execute an enactment which in his view—and it was quite correct—was inexecutable. After mature reflection, however, he decided to take it; whereupon two of his enemies in the Council raised objections to its being tendered to him a second time, and talked big of his having forfeited the Government and incurred a fine of a thousand pounds. It is easy to imagine how his tormentors seized the occasion to bully him over this matter; but the Council of Trade took a sensible view of the question and declined to treat him as in the slightest degree guilty of any fault (357, 652). His enemies, however, once raised were not easily quelled, and one of them, Richard Lloyd, finding himself unable to injure the Governor, turned upon one of his friends, Sir John del Castillo, the Agent for the Assiento, which was a business very dear to Beeston’s heart. Lloyd, who was apparently a most ill-conditioned man, took offence because Castillo “did not wait on him to his stirrup” at the close of a visit, and with the primitive violence of the time proceeded to break his head. He then called to his aid the Attorney-General, Charles Brodrick, who was the second of Beeston’s enemies, and with him contrived a plan for injuring alike the Governor, Castillo and the whole island by dismantling an earth-work, of great importance to the defence of the country, which had been constructed by Castillo at his own expense (547). Beeston interposed to prevent this piece of mischief; and Lloyd and Brodrick then took ship for England to calumniate him at home (636, 704). On reading this repeated story of

slander and quarrelling in Colony after Colony, one wonders how these cantankerous little communities ever kept together at all.

Evils of
patent-offices.

For the rest Beeston, like his predecessors, found occasion to complain repeatedly of the harm done to Jamaica by the granting of offices in the Colonies to irresponsible individuals by patent from the Crown (704, 890). He was also driven almost to distraction by a new Act for settling the Royal African Company, which in his opinion bade fair to destroy the slave-trade and to make law and justice to cease in Jamaica (1,028). Here, as in Massachusetts, the chief grievance lay in the fact that any person, by laying an information against an Agent of the Company at Westminster Hall, might put him to the expense of a costly journey and a still more costly suit in London, possibly to defend a demonstrably vexatious action. The African Company since its first foundation had given birth to endless controversies, and Barbados like Jamaica was urgent for the destruction of its monopoly (272). In no volume of this Calendar more clearly than in this are shewn the incessant trouble and friction that were caused by the privileges of monopolist companies and the trammels of the Imperial Commercial Code.

Bermuda.

Respecting Bermuda there are few documents in the present volume. Governor Goddard with a bad grace professed submission to the King's orders to release his predecessor and allow him to return home, not however without insinuations that he had been guilty of traffic with pirates (369, 647). It is likely enough that the accusation was true, and by no means impossible that Goddard himself had quarrelled with Richier over the division of the spoil; for with the possible exception of New York and the Bahamas, Bermuda seems to have outdone all the Colonies in its wealth of scoundrels. A new Governor, Samuel Day, was sent out to supersede Goddard and found great disorder on his arrival. "Several of the most eminent persons were in gaol on

"account of fines set upon them without trial or process" (899). To judge from the records of Bermuda for twenty years past, the whole population at least deserved imprisonment; and it will be curious to see whether Governor Day succeeded better than his predecessors in keeping it in order.

Miscellaneous
matters.

A few small matters alone remain to be noticed. The first of these is that in the course of the year the Council of Trade took up its quarters in the Cockpit, having been driven from Whitehall by the fire, since which it had occupied temporary premises (162). The second is an amusing offer of an adventurer to admit the entire Council of Trade to a share in his profits, if the members would but order the Governor of Jamaica to advance him five hundred pounds to discover silver mines (1,062). The third is a curious competition of rival companies, one of them headed by Lord Cutts—the soldier whose love of a hot fire had gained him the name of Salamander—for the privilege of coining small money for the Colonies (209, 223, 242, 276). The fourth is a letter from a domestic servant, not a very common document two centuries ago (1071). Its chief interest lies in the fact that it begins with the words, "Dear father and mother, my humble duty presented unto you hoping that these lines will find you in good health as I am at this present, blessed be God for it"—a formula which, with little or no alteration, is still in common use among country-folks to this day.

But the most striking feature in this volume, it must be repeated, is the evidence of the general demoralisation propagated through the length and breadth of the empire by the Imperial Commercial Code. Its evils were glaring enough in time of peace, but its true powers of mischief can only be measured by the study of its effects during eight years of war.

J. W. FORTESCUE.

COLONIAL PAPERS.

1697.

1697.
Oct. 27.
Whitehall.

1. Council of Trade and Plantations to the Lords Justices of England. In reply to Mr. Vernon's letter of 21st inst., we represented to you on 26 July last the objections then made by certain persons against receiving convicts in the Colonies. The Agents of Virginia and Maryland in particular alleged that those Colonies had received such prejudice by the entertainment of convicts that they now precluded themselves by law from receiving them. We found no disposition to receive the fifty women convicts then in question except in the Leeward Islands, and we accordingly recommended that they should be sent thither. We can now add only that we know of no colonies except Virginia and Maryland which have passed laws against the reception of convicts (though Massachusetts has always desired to be excused from it); and we think that the unwillingness to receive convicts in other places is more or less according to the different circumstances of each place, and may vary according to the time in respect of war and peace, and always according to the quality and circumstances of the convicts themselves. *Signed*, J. Bridgewater, Ph. Meadows, John Pollexfen, Jo. Locke, Abr. Hill, Geo. Stepney. [*Board of Trade. Plantations General*, 34. pp. 187-189.]

Oct. 27.
Whitehall.

2. Council of Trade and Plantations to the Lords Justices of England. Pursuant to your Order in Council of 23rd ult. we have enquired into the petition of the Proprietors of East New Jersey (*preceding vol. No. 1,342*). After inspecting their title we submitted certain queries to the law-officers, and obtaining their replies we find that the Proprietors have no manner of right to constitute ports, that before the separation of New York from the Jerseys New York city was the port for both, that it is against all rule in England to have two ports in the same river, that the merchants of New York have frequently complained of the harm likely to come to that city and province after the separation of the Jerseys from the province, and that such harm will certainly come if East New Jersey be allowed a free port. The most ever granted to the said Proprietors was by an order of King James II. in 1687, permitting ships to go direct to Perth Amboy, though on condition that officers were appointed to collect the same dues as are in force at New York. It has always been our instruction to all Governors of New York that no goods shall pass up the Hudson River without paying duty at New York. We think that the province, being the frontier of the British territories in those parts and therefore subject to

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greater risk of invasion and charge for defence, should be allowed to retain all privileges of this kind which do not infringe on the rights of others. *Signed*, J. Bridgewater, Ph. Meadows, Jno. Pollexfen, John Locke, Abr. Hill, George Stepney. [*Board of Trade*. Proprietors, 25. pp. 176-185.]

Oct. 28.
Whitehall.

3. Council of Trade and Plantations to the Lords Justices of England. In the draft instructions for Mr. Grey we inserted the names of fifteen persons whom we understood to be then, or to have been very lately, of the Council. We have since learned that mandates were given by the King in 1695 for the appointment of Richard Scott, Benjamin Cryer, Richard Walter and Thomas Merrick, to the Council, though owing to the miscarriage of the mandates by sea, these gentlemen have never been admitted. We submit it to your consideration whether their names should not be inserted in the instruction. At the same time the late Committee of Trade frequently reported their opinion that the number of Councillors should not exceed twelve, which we find to be agreeable to the Constitution of the Island and to former Royal Instructions. We think therefore that no more Councillors should be added till the number be reduced to twelve. *Signed*, J. Bridgewater, John Pollexfen, Abr. Hill, Geo. Stepney. [*Board of Trade*. Barbados, 44. pp. 104-105.]

Oct. 28.
H.M.S.
Deptford,
Cowes.

4. Earl of Bellomont to William Popple. I fear I answered yours of 16th too hastily, which I was not aware of till yesterday when, reading it again, I was apprehensive that I mistook your meaning. I therefore sent for Mr. Brooke and Mr. Nicoll on board this morning, and they are of opinion that the King might dispose of several thousand disbanded soldiers in New York, and that it will in a short time prove an advantage both to the country and to them, but they doubt much whether the people of New York will be either willing or able to defray the cost of their transportation. They think too that the soldiers will hardly be persuaded to go there voluntarily, and that the way to effect their transportation will be to send them in a regular body and in the King's pay and to continue them some little time in pay, that they may have an opportunity of betaking themselves to husbandry or other ways of livelihood when they shall have come into the country and had a little time to look about them. This is the substance of their opinion in which I join them. *Signed*, Bellomont. 1½ pp. *Endorsed*, Recd. Read 1 Nov., 1697. [*Board of Trade*. New York, 7. No. 50; and 52. pp. 285-286.]

Oct. 28.
H.M.S.
Deptford,
Cowes.

5. The New York Agents to William Popple. In compliance with your request through Lord Bellomont, we reply that New York will hold a greater number of men than the King will think fit to send. If he will transport some thousands of men in his pay to those parts and let them remain in his service, there will be no occasion to disband them involuntarily. In less than a year most of them will desire to be discharged and to make their own living, the wages of labourers and handicraftsmen being very high and provisions plentiful. Inland lands are to be bought at easy prices from the Indians, and a great deal of land already appropriated lies

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uncultivated for want of people and may be leased on very reasonable terms. *Signed*, Chid. Brooke, W. Nicoll. 1 p. *Endorsed*, Recd. Read 1 Nov., 1697. [*Board of Trade*. New York, 7. No. 51; and 52. pp. 286-287.]

Oct. 29.
Crutched
Fryers.

6. Solomon Merrett to William Popple. I have received yours of yesterday with letters to be forwarded to the Commander in Chief in Newfoundland. I should be glad to send them, as it is very necessary, but this is not the time of the year to send ships to those parts, though possibly we may get in. About a fortnight ago we attended the Admiralty by request with some of the Newfoundland masters, who gave their opinion that it was possible to send a ship there with advice, and I have heard since that the Admiralty designed a ship to Newfoundland. This is the only opportunity that I know of, but the news that some of our frigates have arrived from Newfoundland may change the Admiralty's resolutions. *Signed*, Solomon Merrett. $\frac{3}{4}$ p. *Endorsed*, Recd. Read 30 Oct., 1697. [*Board of Trade*. Newfoundland, 3. No. 88.]

Oct. 29.
Waterstock.

7. Sir Henry Ashurst to Council of Trade and Plantations. As to your question what provision can be made in Massachusetts for disbanded soldiers who are willing to transport themselves thither, I must submit that, having no directions from the Colony therein, I can only give my own opinion. The charge of transportation is so great that if any number of men were sent over, the merchants usually had four or five years of their labour to reimburse them. Many ships have been built and manned of late years in New England, which has drained the country of men, for, having no sea-commanders nor seamen in proportion to their shipping, they have been forced to take land-men. On their arrival here both the one and the other were pressed into the King's service, which prevented them from returning, while many taken by the French died of their hard treatment. If the King would be at the charge of transporting two or three thousand men to New England and allow them four months' subsistence they would have time to turn themselves out and obtain good wages, and the remainder (*sic*) may turn farmers. No doubt gentlemen will employ them and give them corn and cattle to stock the ground. If you desire it, I will refer your question to the Colony for a fuller answer. *Signed*, Hen. Ashurst. $2\frac{1}{2}$ pp. *Endorsed*, Recd. Read 1 Nov., 1697. [*Board of Trade*. New England, 8. No. 128; and 36. pp. 318-319.]

Oct. 29.
Whitehall.

8. Council of Trade and Plantations to the Lords Justices of England. After consulting with the Agents of Jamaica, Barbados and the Leeward Islands we find that they desire men-of-war to attend those Colonies as has formerly been practised in time of peace. We therefore recommend one fifth-rate to be appointed for Barbados, one fifth or sixth-rate for the Leeward Islands, and one fourth-rate and one sixth-rate for Jamaica, each of them to be relieved annually by others of like force. *Signed*, Ph. Meadows, John Pollexfen, Jo. Locke, Abr. Hill, Geo. Stepney. [*Board of Trade*. Plantations General, 34. pp. 182-183.]

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Oct. 29. Admiralty Office. **9.** J. Burchett to William Popple. The Admiralty, having received no answer from you to their letter of 20 September as to the alteration of the numbers and rates of the ships attending the Plantations, command me to acquaint you that they have thought it necessary to send orders by the ships going to New England for the ships that are now there to come as soon as they arrive, not knowing but that the said ships might sail before the receipt of an answer from you, whereby the opportunity of sending these orders might have been lost. *Signed, J. Burchett. ½ p. Endorsed, Recd. Read 30 Oct., 1697. [Board of Trade. Plantations General, 4. No. 70; and 34. p. 192.]*
- Oct. 29. Admiralty Office. **10.** J. Burchett to William Popple. The Admiralty have this day ordered an advice-boat to be fitted out at Plymouth to proceed with the notification of peace to Jamaica, Barbados and the Leeward Islands, which vessel will shortly be ready for sail. The Admiralty desire to know if the Council of Trade have any despatches to send by her. *Signed, J. Burchett. ¼ p. Endorsed, Recd. Read 29 Oct., 1697. [Board of Trade. Plantations General, 4. No. 71; and 34. p. 193.]*
- Oct. 29. **11.** Memoranda of the receipt of the preceding letter. ¼ p. *[Board of Trade. Barbados, 7. No. 45; and Leeward Islands, 5. No. 59; and Jamaica, 8. No. 73.]*
- Oct. 30. Whitehall. **12.** William Popple to J. Burchett. Both of your letters of yesterday have been laid before the Council of Trade and Plantations, by whose orders I send you packets for Jamaica, Barbados and the Leeward Islands, to be sent by the advice boat from Plymouth. I enclose also a letter to the Commander-in-Chief of the forces at Newfoundland, to be sent to him if there be opportunity, or if not to be returned to me. The Council of Trade on the 19th laid before the Lords Justices their opinion as to the men-of-war that should attend Barbados, Jamaica and the Leeward Islands in time of peace. *[Board of Trade. Plantations General, 34. p. 194.]*
- Nov. 1. H.M.S. Deptford, Cowes. **13.** Earl of Bellomont to Council of Trade and Plantations. I have received yours of 26th ult. with three proclamations, which shall be duly published, as soon as I arrive at New York, which is the first place appointed for me. *Signed, Bellomont. 1 p. Endorsed, Recd. 3rd. Read 4th Nov., 1697. [Board of Trade. New York, 7. No. 52; and 52. p. 287.]*
- Nov. 1. Admiralty Office. **14.** William Bridgeman to William Popple. I have received yours of the 30th ult. with several letters for the West Indies and Newfoundland. Those to the West Indies will be sent by the advice-boat ordered thither; but I return that for Newfoundland, since the Admiralty does not think it proper to send any ship thither at this time of the year. *Signed, Wm. Bridgeman. ½ p. Endorsed, Recd. Read 1 Nov., 1697. [Board of Trade. Plantations General 4, No. 72; and 34. p. 195.]*
- Nov. 1. Cowes. **15.** Receipt of Captain Nicholas Lydston for two packets to be carried to the Governors of Maryland and Virginia. *Scrap. Endorsed, 11 Nov., 1697 (sic). [Board of Trade. Plantations General, 4. No. 73.]*

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 Nov. 1. **16.** Minutes of Council of Montserrat. "Ordered that "whoever is buried hereafter within the church shall pay to the "churchwardens 1,000*lbs.* of sugar, and defray the charges of paving "it again." Agreed that the Council meet at 9 a.m. in future, and that absent members pay twelve shillings. [*Board of Trade. Leeward Islands, 64. p. 526.*]
- Nov. 1. **17.** Minutes of Council of Virginia. Order for such Councillors as are Trustees of the College to acquaint their co-trustees of complaints that they have not taken up the land granted by the King on Blackwater Swamp and Pamunkey Neck. Order for the interpreters to report as to the numbers and settlements of the tributary Indians and for the surveyors to report what land the Indians live on; also that no land be surveyed nor settled within three miles of the Indian settlements. On the petition of Joshua Broadbent, it was ordered that his arrears of salary be paid and that his sloop be discharged from the King's service, his seizures while cruising to suppress illegal trade not having answered his expectation. [*Board of Trade. Virginia, 53. pp. 101-102.*]
- Nov. 1. **18.** Journal of House of Burgesses of Virginia. The Speaker acquainted the House that he had received an account of liquor-duty from the Auditor, but that the accounts of Collector Daniel Parke had not yet been given in. Order for the Auditor to be instructed to obtain Parke's accounts without delay. The returns of two newly-elected members were considered and the elections approved.
- Nov. 2. The book of Claims was received from the Council, with a message asking for an allowance to the Sheriff of James City and his officers for their attendance at the General Court. The House agreed to amendments in this sense and returned the book to the Council, who concurred in the same. Report was made to the House that a further account of the liquor-duty had been received from Colonel Scarborough, and that the Auditor had given assurance to obey the orders as to Daniel Parke. Committee appointed to proportion the public levy.
- Nov. 3. The Public Levy Committee presented a report recommending a levy of 16*lbs.* of tobacco on every titheable person, which was approved; and a bill for a public levy was then passed through all its stages, and sent up to Council, together with sundry orders for payments, for concurrence. The Council having signified its concurrence, the House attended the Governor by his order; and the session terminated. [*Board of Trade. Virginia, 52. pp. 312-318.*]
- Nov. 1. **19.** Journal of the General Assembly of Virginia. The Council considered the book of Claims and agreed to the same, with the addition of an allowance to the Sheriff and officers of James City for attendance at the General Court.
- Nov. 2. Message from the Burgesses agreeing to the book of Claims thus amended.
- Nov. 3. The book of Proportions, the Treasurer's accounts, and the public levy bill were received and agreed to; and the Governor then dissolved the Assembly. [*Board of Trade. Virginia, 52. pp. 53-56.*]

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Nov. 1.

20. Journal of Council of Trade and Plantations. Mr. Bridgeman's letter of this day as to forwarding of letters read (No. 14).

The Memorial of Sir Henry Ashurst of 29th ult. (No. 7), and the letters from Lord Bellomont and the New York Agents of 28th ult. (Nos. 4, 5) as to disbanded soldiers were read.

Mr. Penn attending desired to know the matters of fact charged against Governor Markham in the matter of protecting pirates. Several depositions were thereupon read to him, to which he answered that Donaldson, against whom complaint was made, had been put in at Newcastle by Governor Fletcher, and that other reputed pirates had settled there in Governor Fletcher's time. He added that he was ready to remove Markham if required. In answer to a question he said that Philadelphia contained about fifteen hundred houses.

Nov. 2.

Mr. Nelson brought in a memorial relating to Nova Scotia (No. 21), and said that he was now going to France, and would send further information from thence.

Sir William Beeston's letter of 15 July received and read.

Mr. Penn gave in copies of papers relating to Governor Markham's conduct.

Nov. 3.

Governor Nicholson's letter of 31 August last read.

Memorial from the Barbados Agents as to the laws concerning white servants read (No. 22). Order for a representation to be drawn upon the subject of the small encouragement offered by the Colonies to disbanded soldiers to transplant themselves.

Nov. 4.

Lord Bellomont's letter of 1st inst. read (No. 13).

Representation as to the transplanting of disbanded soldiers signed (No. 25). [*Board of Trade. Journal, 10. pp. 332-337.*]

Nov. 2.

21. John Nelson to Council of Trade and Plantations. I have received your orders to lay before you my opinions in this present conjuncture of peace with the French. I notice in the 8th Article the Commissioners are to be appointed for the settling of limits or exchange of lands, and determination of differences. For the information of our Commissioners I would offer as follows:— (1) Great care should be taken that the French do not in virtue of the 7th Article (which restores to them Port Royal and the Coast of Acadia) exclude us from the fisheries on the said coasts upon the high seas. This they have formerly endeavoured to do, and on this pretext they have seized several of our vessels in time of peace, the ground of their pretension being what was done by the late Sir Thomas Temple (before the surrender of the country to France in 1670). He built forts and took other measures for protection of the fishery, and received from every vessel sea-fishing (that is to say making or drying fish on the shores) £5. The French were at first contented with the same sum from those that used their coasts, exacting nothing from those that made their voyages on the high seas or wooded and watered in their harbours. But in process of time, according to the caprice of their Governors, they have extended their pretensions to every part of the high seas, and though we never conceded them yet they often made prize of our vessels sea-fishing until at length some provision and

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redress was made by the Treaty of Neutrality of 1686. Reference should be made to this treaty; but unless provision and settlement be made in express manner and form this matter will be a perpetual cause of disturbance in those parts. It will obstruct the employment of over 1,000 fishermen, to the impoverishment of the Colonies, the destruction of trade, and the diminution of the revenue. It must be remembered that whatever is taken out of the sea by our fishery is so much ready money or bullion imported into the realm from foreign nations. We have justice on our side and likewise all uninterrupted custom and usage from the first settlement in those parts until late years; and though fisheries on the high seas have sometimes been the dispute of nations, yet we find that all claim an equal right to possess what they can get from that unstable element, if without use of their neighbours' shores, etc. To remove all ground of dispute it is of the utmost importance not only to maintain our right upon the high seas, but to establish the mutual privilege of refreshment (such as wood and water) for money for the subjects of each nation on the shores of the other.

(2). Boundaries and trade with the Indians are also most important questions, especially between New York, where the French continually encroach and will encroach on us by the advantage which they have from the rivers and lakes at the back of our Colonies. Though they have no settlements there they pretend to appropriate the sole right of traffic with the Indians, whereby we shall be confined within the narrow bounds of our settlements. Formerly this limitation and pretension were unknown, and our people were free to journey and traffic with all the natives in those lakes and rivers. These privileges should, I presume, be reasserted.

(3). It is most necessary that provision be made for the mutual peace and safety in regard of the Indians, that neither party shall abet the Natives in any war or attempt upon the other, but on the contrary that, on complaint of the suffering party, the other shall consult and agree as to the methods for reducing them to peace. To this end and to remove all suspicions of secret connivance or underhand dealing, the Governors of either nation should be permitted to send or to appoint a person to reside with the other, not only to consult and advise as to the prevention of such mischiefs but to be eye witnesses of the faithfulness of each side's intentions, and to detect and bring to punishment those persons who for their private advantage infringe the regulations that may be agreed to on this subject. These three subjects are of the utmost importance, and I trust that you will represent them as such. *Signed, Jno. Nelson. 4 pp. With abstract attached. Endorsed, Recd. Read 2 Nov., 1697. [Board of Trade. New England, 8. No. 129; and 36. pp. 310-317.]*

Nov. 2. **22.** The Agents for Barbados to Council of Trade and Plantations. In reply to Mr. Popple's letter of 26 October last we have no Act in Barbados obliging planters to keep one white servant for every ten negroes, nor after long search through volumes of laws and enquiry from many gentlemen who have been of the Council and Assembly, can we discover that there ever was such an Act. We have no rule to guide us in calculating how

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many white men are wanting in Barbados to make up the proportion of one white man to every ten negroes, but we guess that there are about two thousand wanting to supply the militia of the Island according to the present establishment. But several of the gentlemen here, who have estates in Barbados, tell us that they have already taken effectual measures (as they think) for supplying their plantations with white men. Colonel Salter, who was for several years of the Council of Barbados, is lately dead in England. *Signed*, Edw. Littleton, Wm. Bridges, Fran. Eyles. $1\frac{1}{2}$ pp. *Endorsed*, Recd. Read 3 Nov., 1697. [*Board of Trade*. Barbados, 7. No. 46; and 44. pp. 106-108.]

Nov. 2.

23. Minutes of Council of Barbados. Lieutenant-Colonel Markland sworn of the Assembly. The King's order for reducing late Russell's regiment to a company of 100 men was read, and order was given to Major Garth to proceed accordingly. Militia bill further amended and sent down to the Assembly. Bill for printing the laws read, and order given to the Deputy Secretary to compare the different copies of the laws and revise them, receiving £100 for his trouble. The Assembly brought up the Habeas Corpus and Militia bills, and the last amendments to the Militia bill having been discoursed, the Assembly took it back. The President informed the Assembly of the orders given as to the laws and as to Russell's regiment, adding that the Council designed the frigates to cruise off Martinique but that the ships needed provisions which the Assembly should supply, and that it was intended to fit out a sloop to cruise with the frigates. He asked also if prize-liquors were to pay duty, for if so it would eat out all their value.

Nov. 3.

Habeas Corpus bill thrice read and passed. The Assembly brought up the Militia bill, which was read a third time and passed, and agreed to give legal security to such as would advance £200 for fitting out the frigates, and desired that the 112 soldiers, to be formed in a company, might be subsisted for one month. Order for delivery of stores to H.M.S. Bideford. The Assembly brought up an address to secure, up to the value of £300, those who would advance money to fit out the ships of war. Sundry orders as to payments, remission of duty on prize-liquors, and supplies for the frigates. Order for borrowing (with the Assembly's consent) the £300 voted to the late Governor Russell from his executors, for supplying the frigates. Orders for H.M. ships Bideford, Bonaventure and Newcastle to cruise off Martinique and for a sloop to be taken up to accompany them. [*Board of Trade*. Barbados, 65. pp. 251-255.]

Nov. 3.

24. Minutes of Council of Virginia. Order for the discharge of four Indian prisoners in Stafford County, no charge having been proved against them. The petition of John Childs and George Marrable, for patents for land called the Main, near James City, was referred to the King's Counsel for report.

Nov. 4.

The Agents of the Governor and Council of Maryland addressed the following memorial to the Governor. A murder having lately been committed by Indians unknown to our Government, we beg you to cause enquiry to be made after those Indians in your Government, as was lately done in Maryland for an Indian murderer

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who had fled thither from Virginia. There is a notion among the Indians in Maryland that if they commit any crime there they will not be punished for it in Virginia: we beg you to make them sensible of their error. We beg you also to prohibit the sale of powder and ball to the Indians who have left Maryland for Virginia: and the Governor of Maryland will do the like for you. The said Indians have carried away with them and since purchased great quantities of both. We beg you also to send some gentlemen to Stafford County to discourse the said Indians, in the presence of gentlemen to be sent from Maryland, to show them that your government will not protect them, as also to enable the gentlemen of Maryland to make proposals to them. We beg you also to send gentlemen to the fort of the Indians in Virginia to ascertain whether there are any strange Indians among them, their numbers, and whether they have dispersed themselves to hunt, as usual, for it is apprehended that there may be Jesuits or other Frenchmen among them. We beg you also to cause your rangers to settle somewhere convenient towards the head of Potomac River, and to instruct the commanders of the rangers and of the militia of Stafford County to hold frequent correspondence with Colonel John Addison and the rangers of Maryland, who have already instructions to do the like towards your officers. We beg also that you will give orders for the rangers of Maryland and Virginia to agree upon an alarm and to forbear firing or holloaing at night except on occasion. These proposals are submitted to you by the Governor and Council of Maryland with the advice of the Presidential Court, the Grand Jury of the province and several gentlemen lately employed to visit the said Indians. [*Board of Trade. Virginia, 53. pp. 102 and 104-106.*]

Nov. 4.
Whitehall.

25. Council of Trade and Plantations to the Lords Justices of England. In reply to Mr. Vernon's letter of 18th ult. respecting the settlement of disbanded soldiers, we report as follows. By the original constitution of Virginia anyone arriving there as a freeman (that is to say paying the cost of his own transportation) has a right on his first arrival to fifty acres of land, upon which to seat himself, though we are obliged to add that, owing to irregularities which have long been practised in engrossing all the lands that lie conveniently for trade, any land now falling to the share of a person arriving there would be of small advantage to him. On the other side, labouring hands and in particular handicraftsmen of all kinds are much wanted there and in Maryland, so that beyond doubt all such persons as are willing to work will find employment there and at much higher rates than they would receive in England. In Jamaica the inhabitants during the late war being sensible of their weakness and under continual apprehensions of the French, passed an Act to pay £7 for the passage of any man-servant brought thither, with £1 to the master of any ship that brought them, giving entire freedom to the persons so imported to choose their own employment and make their own terms with employers. But, their fears being dissipated by the peace, it is not to be expected that they will be very willing to comply with this Act, though it remain yet in force. On the contrary though the Agents confessed that

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Jamaica was capable of extraordinary improvement for the advantage of England, yet the planters there will not now think it their interest to invite others thither (as by the Act aforementioned) to make any improvements beyond what they themselves can manage. The only expectations of advantage for labourers and handicraftsmen of all sorts there is as before expressed, though probably greater than in Virginia, Maryland or any other place. The inhabitants of the Leeward Islands during the late war passed an Act offering 2,000*lbs.* of sugar (about £10 sterling) for every man-servant that should be brought thither, and empowering the Governor to dispose of such servants among the planters, to serve according to the terms of the said Act and pay the price accordingly. But to this information the Agents have added their opinion that if the regiment which is now there should be disbanded and the two companies in St. Christophers restored out of the regiment, the remainder of the men would stay there and apply themselves to planting. This those Islands esteem the properest supply of men that could be made for them, beyond which they would at present need very few. In Barbados there was passed in 1696 an Act, to continue in force three years, offering the importer of English or Scotch man-servants between the ages of sixteen and forty the sum of £18. The Agents are of opinion that any person transporting himself and offering to serve upon that condition may receive that sum, which, allowing £6 for his passage, leaves £12 for his own use. In New York and Massachusetts there is no settled allowance to encourage persons to import themselves. Wages there, as in all parts of America, are higher than in England, though not so high as in the places already mentioned.

It is our opinion that it may be for the King's service in the Leeward Islands to disband the regiment there, as proposed, and direct the Governor to give all fit encouragement and assistance to such men as are willing to remain there and apply themselves to planting. We think that the same thing is also expedient in Jamaica, as represented in our report of 6 July last. As to the transportation of disbanded soldiers to any other Colony, if the King pleases to be at the charge of it, the most solid encouragement that can be depended on is the gain that may be made by industry, especially in any handicraft employment. The freedom of working is in our opinion more for their advantage than the recompense offered in Barbados and the Leeward Islands for four years' service. But without either such service or that labour we know of no advantage that can be proposed to them from the laws, customs or circumstances of those countries. Of all places, Virginia, Maryland and Jamaica are those which not only afford the fairest prospect to those who shall be transported thither, but where also the labours of such persons will most redound to the benefit of this kingdom. If the King should not please to be at the charge of transporting any disbanded soldiers in this manner, it remains only that those who are willing to be transported as servants for a certain number of years apply to the merchants dealing with the said Plantations, and make their own terms with them beforehand. *Signed, J. Bridgewater, John Pollexfen, Abr. Hill, Geo. Stepney.* [*Board of Trade. Plantations General, 34. pp. 196-203.*]

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Nov. 4.
Whitehall. **26.** Order of the Lords Justices of England in Council. Ordering a copy of a representation of the Council of Trade, relating to the men-of-war that may be henceforward necessary to attend the Islands of Barbados, Jamaica and the Leeward Islands to be referred to the Admiralty for their report. *Copy.* $\frac{1}{4}$ p. *Endorsed*, Recd. 10th. Read 11th Nov., 1697. [*Board of Trade.* Plantations General, 4. No. 74; and 34. p. 205.]
- Nov. 4.
Whitehall. **27.** Order of the Lords Justices of England in Council. Approving the representations of the Council of Trade of 2 September and 28 October (No. 3), and ordering Mr. Grey's draft instructions to be prepared for signature, with an additional instruction appointing Richard Scott, Benjamin Cryer, Richard Walter and Thomas Merrick to be of the Council. *Copy.* $\frac{1}{2}$ p. *Endorsed*, Recd. 20th. Read 22 Nov., 1697. [*Board of Trade.* Barbados, 7. No. 47; and 44. pp. 110-111.]
- Nov. 4.
Whitehall. **28.** Order of the Lords Justices of England in Council. Approving the representation of the Council of Trade that no more members be added to the Council of Barbados till its number be reduced to twelve, and ordering the Council of Trade to guide itself accordingly. *Copy.* $\frac{1}{2}$ p. *Endorsed*, Recd. 6th. Read 8th Nov., 1697.
Duplicate copy of the above order. 1 p. [*Board of Trade.* Barbados, 7. Nos. 48, 49; and 44. pp. 108-109.]
- Nov. 4.
Whitehall. **29.** Order of the Lords Justices of England in Council. Approving the recommendations of the Council of Trade that the 30 *per cent.* deduction from the pay of Captains Hide's and Weems's Companies, from their raising to their disembarkation at New York, be not required of them, that an account of the deduction of 30 *per cent.* since that date be sent to Lord Bellomont for transmission to England, and that the Council's recommendation, for a total revocation of the aforesaid deduction, be laid before the King. *Signed*, John Povey. $1\frac{1}{2}$ pp. *Endorsed*, Recd. 6th. Read 8th Nov., 1697. [*Board of Trade.* New York, 7. No. 53; and 52. pp. 288-291.]
- Nov. 5. **30.** Receipt given by the master of the ship Hope for a packet directed to the President of Barbados. *Signed*, Thomas Driffield. $\frac{1}{4}$ p. [*Board of Trade.* Barbados, 7. No. 50.]
- Nov. 6.
Whitehall. **31.** James Vernon to the Earl of Bridgewater. Forwarding certain papers, with the Lords Justices' orders that copies be sent to Governor Codrington for his answer to the accusations against him therein, that he be required further to report fully on the proceedings against Captain Arthur, and that Colonel Holt also, if he return to England, be examined as to his knowledge of the matter. *Signed*, Ja. Vernon. $\frac{1}{2}$ p. *Endorsed*, Recd. Read 8 Nov., 1697. *Annexed*,
31. 1. Edward Walrond to the Earl of Bridgewater. Antigua, 2 August, 1697. I think it my duty to bring the following matter before you. Captain Robert Arthur, formerly commander of H.M.S. Mary, was cashiered by a Council of War for embezzling the King's

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stores and would probably have suffered death for the crime had not the gunner (the most material evidence) run to Martinico among the French, whereby his proof was avoided. This Captain Arthur, experienced in villainies, did most abominably abuse King William, as the three enclosed depositions will shew; and on these depositions legally taken by Colonel Henry Holt, of the Council of the Leeward Islands, Arthur was committed to prison. Our Governor, Christopher Codrington (who was promoted by the King's favour to this Government, whereby he has procured a vast estate), patronised this Arthur and prevented him from being brought to due punishment. The manner was thus: Hearing of Arthur's commitment the Governor expressed mighty concern for the same, and immediately ordered Thomas Duncombe, a justice of the peace, to take bail for Captain Arthur. This he did, but to avoid the imputation of neglect requested the Governor's warrant to bring the witnesses from on board H.M.S. Jersey that they might be bound over to prosecute at the sessions. Justice Duncombe avers that he asked three several times for this warrant, but the Governor refused him with some heat of words, saying that he would take care himself that the witnesses should be forthcoming. This pretence, however, was but collusion to stop the current of justice, for, when Arthur was tried, the witnesses were then on board H.M.S. Jersey which was then employed upon some frivolous pretence, which kept her away from the island. Arthur was found not guilty for want of evidence, upon which, perceiving the intrigue, I gave in the enclosed remonstrance to the Chief Judge and the rest of my fellow-justices and desired that it might be read publicly and recorded, which was done. The justices thereupon made strict enquiry how the witnesses were avoided, and Justice Duncombe, in vindication of this conduct, declared the aforesaid circumstances of the Governor's refusing his warrant, otherwise he had been fined severely for his neglect. The Governor then recommended Arthur to Admiral Nevill with a large character for courage and merit, representing that the Admiral would find him very useful in the expedition against Pointis's squadron. But Mr. Yeamans, being present, told the Governor that Captain Arthur could not sail with the Admiral, as he had not yet stood his trial. The Governor said he thought the depositions malicious, whereupon the Admiral very modestly and ingeniously advised Captain Arthur to stay and assert his innocence and then his accusation would redound to his advantage. One of the deponents, Mr. Henry Walrond, also informed the Governor in the face of his Council that Captain Arthur had said that the Governor durst not prosecute him, since he knew and could declare worse things of the

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General than what had been alleged against himself; and though Arthur was in the town where the Council met when Mr. Walrond said this, yet the Governor never sent for Arthur to examine him as to this so as to exhibit his own innocence. This information of Mr. Walrond was given some time after Arthur's trial, when Mr. Walrond and the two other witnesses were summoned before Council to repeat their evidence in case new matter could be found to bring Arthur to a second trial. This was the Governor's new policy to palliate what he had done before, but it was so apparently hypocritical that it could not have the designed effect but rather aggravated his guilt. Your Lordship well knows that the Governor is above censure, so I remit this account to you to take such methods therein as you think meet; and if you think fit to call me to the attestation of these allegations I shall be ready to confirm them by oath. As a further test of Governor Codrington's misgovernment it is observed that his most intimate friends and councillors are Jacobites, as Mr. Palmer and Colonel Charles Pym, who are in especial favour with him. You will doubtless be amazed to hear of such ingratitude in Governor Codrington after the favour and trust given to him by the King, but when men put their whole confidence in the things of this life, it is no wonder that they are so wavering in their opinions, for the heart of man is deceitful beyond expression. I regret to trouble you with a matter of this kind, but how otherwise shall I escape the censure of being deemed one of those who, if they are not with the Government, are against it? I beg therefore that you will hold no sinister opinion of me on this account, for I am zealous for nothing but the honour of the King's Government. *Signed, Edward Walrond. 4 pp.*

31. II. Deposition of Richard Pickstock, 19 Feb. 1696-7. That in December 1696, he heard Captain Arthur use the following language, viz.: that King William's confederacy with the Duke of Savoy and other princes was only to the impoverishment of the Kingdom; that the Duke of Savoy was now reconciled to the French King by marriage, and had lately sent to demand two millions and a half of money from King William to pay the cost of maintaining his army against the French during the past two years; that the King thereupon ordered a bill to be paid by the City of London, to which the City replied that it was already so much impoverished that it could not and would not pay it, whereupon the King was forced to draw a bill upon the States, which after much scruple was at last with difficulty paid; likewise that King William had never done good to the Kingdom since he came to the Crown, and had carried off all the plate and furniture from Whitehall to Holland.

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Deposition of Henry Walrond, of same date. I heard Captain Arthur say that since King William had come to the Crown of England he had done no good, for God's curse hung over him for taking it from his father to whom it justly belonged; that the King under pretence of making war against France had carried away all the money from England to make a bank in Holland, was building a finer house in Holland than Whitehall, had carried thither all the plate and furniture from Whitehall, and after making peace with France would make war with the Crown of England.

Deposition of Clayborne Haselwood, of same date. I heard Captain Arthur say, damn King William, he never did any good to England since he came to the Crown, only robbed the nation to make a bank in Holland, so that the nation might be so poor and disabled that it could not stand up in war against him. Copies. 1 large page.

31. iii. Remonstrance of Henry Walrond to the Justices of Sessions. My duty to my King and Country compels me to speak. Shall crimes against the Governor be prosecuted with so small industry and the offender be censured in no proportion to the crime, as in Mr. Weaver's case, and yet suffer the King's honour to be traduced and the delinquent to pass unnoticed? Such proceedings may produce ill effects, for if our sense of allegiance will not move us to vindicate the King's reputation, at least our sense of gratitude should do so. I need not repeat the King's care for these Colonies, not only in obstructing the enemy's attempts but in enabling us to offend them. We may without flattery call him our guardian angel, but let us not give him occasion to withdraw his favour from us. This is the Englishman's time of trial; let us quit ourselves with loyalty for our self-preservation and not trim with the Government for fear of a revolution, but heartily support the present reign by discouraging both foreign and domestic enemies. This is surest testimony that we are zealous for our country's good. I remonstrate this to your consideration as this case of Captain Arthur requires, who through the neglect to bind over the witnesses against him has avoided condign punishment for seditious language. *Copy. 1 p.*

31. iv. Copies of certain orders of Governor Codrington. Order to Captain Bugden, of H.M.S. Jersey, 3 April, 1697. To secure and keep Henry Walrond on board, that he may be forthcoming to answer for several complaints of injustices committed by him on board H.M.S. Jersey. Another order of the same to the same, 8 May, 1697. To deliver Henry Walrond to the Provost Marshal of St. John's to answer and satisfy his creditors.

Copies. Inscribed. These orders were procured from the Governor by the desire of Mr. Walrond's creditors.

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After he had given the said creditors satisfaction, the Governor took no further steps that Mr. Walrond should be bound over to prosecute Captain Arthur, and he was therefore dismissed. 1 p.

31. v. Deposition of Henry Walrond. Antigua, 26 July, 1697. At the end of May I was summoned together with two other witnesses before the Governor, to give my evidence anew against Captain Arthur, when having nothing new to allege against him, I told the Governor that Arthur had said that the Governor durst not prosecute him, for he could prove that the Governor had said and done worse things against King William than what was deposed against him. On this the Governor only said that Arthur was mad. 1 p. [*Board of Trade*. Leeward Islands, 5. Nos. 60, 601.v.; and (without enclosures) 45. p. 103.]

Nov. 8.
Whitehall.

32. Order of the Lords Justices of England in Council. A report from the Admiralty, dated 6 November, was read, agreeing with the recommendation of the Council of Trade that one fifth-rate man-of-war be appointed for Barbados, one fifth or sixth-rate for the Leeward Islands and a fourth-rate and a sixth-rate for Jamaica. Ordered accordingly. Copy. 1 p. [*Board of Trade*, Plantations General, 4. No. 75; and 34. p. 206.]

Nov. 8.
Admiralty
Office.

33. J. Burchett to William Popple. Pray remind the Council of Trade that they have not yet informed the Admiralty whether they propose any alteration of the numbers or rates of the ships attending New England and Virginia. Signed, J. Burchett. $\frac{1}{2}$ p. Endorsed, Read. Read 10 Nov., 1697. [*Board of Trade*, Plantations General, 4. No. 76; and 34. p. 203.]

Nov. 8.

34. Journal of Council of Trade and Plantations. Lord Bridgewater gave in Mr. Edward Walrond's letter of 2 August, with its enclosures, containing complaints against Governor Codrington, the whole being covered by a letter from Mr. Vernon of 6th inst. (No. 31). Order for copies to be sent to Governor Codrington for his reply.

The Orders in Council of 4th inst. relating to Councillors in Barbados (Nos. 27-29) and the deduction from the pay of the forces of New York were read. Order for a letter to Lord Bellomont to be drawn, in accordance with the letter.

Nov. 9.

The Board was occupied with the business of the Irish linen manufacture.

Nov. 10.

Mr. Burchett's letter of 8th inst. read (No. 33). Orders given to the Secretary for his reply thereto (No. 38).

Letter of this day's date to Governor Codrington signed; and order given to the Secretary to write to him likewise on the subject of correspondence (Nos. 39, 40).

Sir William Beeston's letter of 27 January last read. Ordered that in the next letter to Governor Codrington he be directed to send intelligence from time to time to Jamaica. The papers enclosed by Sir William Beeston were then considered.

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- Nov. 11. Two Orders in Council of 4th and 8th inst. as to men-of-war for the West Indies were read (*Nos.* 26, 32), and a postscript added to the letter to Governor Codrington accordingly. Mr. Hutcheson, Governor Codrington's Agent, asked for a sight of the complaints against him, which was granted.

Mr. Penn's letter of 9th inst. read (*No.* 35). Order for his reply to Governor Nicholson's answer to the Pennsylvania merchants to be communicated to Governor Nicholson, and for the paper of queries as to the Act for Regulation of the Plantation Trade to be returned to him, as things not proper for this Board to undertake the explanation of.

- Nov. 12. Mr. Stoughton's letter of 30 September last read.

Colonel Quarry attending, reported that the Commissioners of Customs had shown some displeasure at his referring to this Board matters which belonged to their province. The Board accepted his offer to send information from Pennsylvania, for which he was now departing.

Letter to Lord Bellomont as to the pay of the New York forces, signed (*No.* 44). [*Board of Trade. Journal, 10. pp.* 338-347.]

- Nov. 9. **35.** William Penn to William Popple. The enclosed papers await the perusal of the Council of Trade. The queries seem to need a private answer, and I beg—since the law of 10 *per cent.* is returned to the Attorney General after being reported injurious to trade, by which means (the fleet proceeding in a few days) we may be liable to great oppression in Maryland—I beg that the Council of Trade will intimate to Governor Nicholson to forbear that practice upon us, because the law will not have the King's approbation here. I have forborne the noisy attendance of twenty or thirty merchants with an address against it, hoping the Council of Trade will think it reasonable to do something by this opportunity, or it must lie by these six months for aught I knew, for so the Attorney General tells me that the rest [of the laws] must before he can despatch them, which to us would be a great delay of justice. *Signed, Wm. Penn. Holograph. Memo.* The paper of queries above mentioned were returned to Mr. Penn on 11 Nov., 1697. *2 pp. Enclosed,*

35. 1. A reply to Colonel Nicholson's answer to the Pennsylvania merchants' petition. The first part of the answer denies the premises, for if we have free passage of allowed commodities, paying only such dues and customs as were or should be imposed by the laws of England to Pennsylvania, then no law of any province under the Crown of England ought to obstruct the free passage of such goods as have already paid in England, in their passage to the province they are consigned to and have already paid to go to. Nor is it the practice of any nation to require such dues except those where the goods are consigned and sold. So that the law of Maryland does not make it the more lawful because it is not the law of England, but injurious to its trade as well as to the people of Pennsylvania. The second and third branches require

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no other answer than that we claim freedom by a use that is all over America, and which Maryland cannot of right break, for it is expressly against a clause of privilege in Lord Baltimore's patent to all the King's subjects that shall make that province their way to others which they inhabit. And if the Pennsylvanians carry away any of the growth of the province without payment of that which is required by the laws of the province, it is the duty of the officers of the Government to prevent it, which may be done without involving and bringing the growth of England under the same custom with the growth of the province. As to the fourth branch, we cannot understand how we prejudice the trade of Maryland by bringing English goods to Pennsylvania in ships bound to Maryland for tobacco. If they are aggrieved by our importing our own growth amongst them they may forbid it, as they have done our beer though they often want it to furnish the homeward-bound fleets, having little or none of their own make; but that can be no argument why we must not bring English goods through Maryland to another of the provinces; nor does Governor Nicholson treat New York at the same rate, though as much under the lash of the law as we are, which is a partiality added to illegality. To the fifth branch, we reply that Lord Baltimore's patent gives no power to lay impositions upon English goods not bound for the province, but through it to another province under the Crown of England. To the last branch we need only say that Governor Nicholson's commission cannot invalidate former grants, as is observed by him in his fifth branch, nor authorise him to make laws against the trade and good of England nor the common privileges of another province; so that the power of law-making, urged by the paragraph in excuse of this law, cannot excuse an abuse of such a commission and authority, for which reason we pray we may be relieved from so intolerable a grievance. 2½ pp.

35. II. Copy of a letter from Samuel Carpenter to William Penn, 30 July, 1697. Your letter required an answer to complaints objected against this Government in England on account of prosecutions, for the King, protecting of pirates, &c. As to the prosecutions we know of no failure on our side, but on the contrary there have been zealous prosecutions on the King's account, and condemnations obtained. As to the privateers, as soon as information was given our magistrates caused such of those named in the proclamation as were in this place to be apprehended; and they are now in close prison. We have sent their examinations herewith to thee; how they will be further proceeded with we cannot tell, their crimes having been committed *super altum mare*, where we

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are of opinion that our province Courts have no jurisdiction; and we are most of us of opinion that the Governor cannot grant a special commission for the trial without encroaching on the jurisdiction of the Court of Admiralty. By this thou mayest perceive that we labour under a burden which should necessarily be removed. We therefore desire thy consideration and care of the matter and thy speedy answer concerning it, though we think it will come too late for this particular case, supposing that Governor Markham will take some course to try them. A fuller authentic answer to thy letter we cannot now give, but hope we may very speedily, if not prevented by thy speedy coming hither, which we hope and earnestly desire for thy good and our comfort and the prosperity of the Province. *Signed, Sam. Carpenter [added in Penn's hand]* on behalf of the most eminent for estate and employment in that province. $1\frac{1}{2}$ pp. *The whole endorsed, Recd. 10, Read 11 Nov., 1697. [Board of Trade. Proprieties, 2. Nos. 3, 31, 11.]*

[Nov. 9.] **36.** Memorandum of receipt of the above letter. [*Board of Trade. Maryland, 3. No. 44.*]

Nov. 9. **37.** Minutes of Council of Virginia. Colonel Thomas Tench brought a paper of proposals from the Governor of Maryland (*see No. 24*), of which, by his request, consideration was deferred until to-morrow.

The papers from Maryland being considered, it was resolved that it is not desirable to make enquiry after or proclamation against undisturbed persons; that the report in Maryland, that the Indians hold that they will not be punished in Virginia for crimes committed in Maryland, is groundless; that the prohibition to sell arms and ammunition to particular Indians is neither advisable nor available, and that the Council see no cause to send any gentlemen to the said Indians; that the commander of the rangers on Potomac have long been instructed to correspond with Colonel Addison; that the general alarm of Virginia is the firing of three guns at convenient distances, and that any disorders at night are punishable. Ordered that a copy of the present resolutions and former orders be sent to the Governor of Maryland. [*Board of Trade. Virginia, 53. pp. 103-107.*]

Nov. 10. **38.** William Popple to J. Burchett. In reply to yours of 8th inst. the Council of Trade, having neither been informed what ships of war now attend New England and Virginia nor having received application from any persons concerned in those Plantations, has nothing to offer you on that subject. [*Board of Trade. Plantations General, 34. p. 204.*]

Nov. 10. **39.** Council of Trade and Plantations to Governor Codrington. We have heard nothing from you since our former letter of 2 July, and have no information to give you except of the death of Colonel Hill and the appointment of Captain James Norton

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to be Lieutenant-Governor of St. Christophers in his place. What chiefly concerns this letter is only a letter received by the Earl of Bridgewater from Mr. Edward Walrond, dated 2 August last, and containing several complaints against you. We send you copies thereof for your answer thereto, and you will give us a full account of the proceedings taken against Captain Arthur. *Signed*, J. Bridgewater, Ph. Meadows, John Pollexfen, John Locke, Abr. Hill, Geo. Stepney. *P.S.*—The Admiralty have received orders to send a fifth or sixth-rate to attend your Government in time of peace. [*Board of Trade*. Leeward Islands, 45. *pp.* 104-106.]

Nov. 10.
Whitehall.

40. William Popple to Governor Codrington. Forwarding a ream of ruled paper, with instructions as to the future conduct of correspondence. [*Board of Trade*. Leeward Islands, 45. *pp.* 107-108.]

Nov. 10.

41. Minutes of Council of Massachusetts. Orders for payment of £99 for sixteen field-carriages for guns, of £45 to Chirurgeon John Cutler for cure of sundry sick and wounded seamen and soldiers, of £5 for incident charges, of £70 to Secretary Addington for his extraordinary service last year, of £6 to Addington Davenport, Clerk of Assembly, of £20 to the owner of a negro who was impressed and died on board ship, of £20 for disbursements in farming out the excise, and of £10 to Nathaniel Byfield and others for their visit to the troops in the Eastern parts of the province. On consideration of the subject of the conveying of the salt-ships to Salt Tortudas, it was advised that H.M.S. Orford having but one deck be not employed on the service. [*Board of Trade*. New England, 49. *pp.* 123-127.]

Nov. 10-11.

42. Minutes of Council and Assembly of Antigua. The Assembly sent a message that the Act for Courts had been much amended by them, but would be ready for Council at next sitting. Messages passed between the Council and Assembly as to the alleged carrying of provisions to the French at Martinique by Barry Tankard. After inquiry and hearing of evidence, the Governor agreed to the request of the Assembly that the men of Tankard's sloop should be secured on her return. Request of the Assembly for the calling of a General Council and Assembly within thirty days. Orders as to grants of land. [*Board of Trade*. Leeward Islands, 64. *pp.* 215-218.]

Nov. 12.

43. Archibald Hutcheson to William Popple. I return a written relation of what I have to offer respecting Governor Codrington. *Signed*, Arch. Hutcheson. *P.S.*—I lodge next door but one to the White Periwig, about the middle of Pell Mell, on the square side of the way. $\frac{1}{4}$ p. *Endorsed*, Reed. Read 15 Nov., 1697. *Enclosed*,

43. 1. Archibald Hutcheson to Council of Trade and Plantations, 12 November, 1697. I have seen Mr. Edward Walrond's information against Governor Codrington, and doubt not to answer it satisfactorily. Meanwhile that no impressions to Governor Codrington's prejudice may remain, and that you may judge of the probability

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of this accusation, I enclose a copy of my last memorial to the Treasury relating to him, a memorial of his services, a letter to Mr. Lowndes on the same subject, and part of an address and certificate referred to in the memorial. I remained in the Leeward Islands until 1692, and was till then an eye-witness of the services that I have mentioned; and since then I have constantly corresponded with Governor Codrington. But my testimony is the least in importance as to his character, which is well known to all of any note concerned in Barbados and the Leeward Islands. If you consult the Agents for the Leeward Islands, who are eminent on the Exchange here and have considerable estates there, and who correspond constantly with the Councils, Assemblies and principal inhabitants of the Islands, they will give you an account of him, inconsistent with Mr. Walrond's representation. It is certain that on the first notice of the Revolution Colonel Codrington appeared for the present Government, and has since on all occasions exposed his person and employed his purse in the service. He both commended and encouraged his son to attend the King every campaign of the war, and the whole tenor of his conduct has been a contradiction to any inclination to King James. He has also made considerable improvements in the French part of St. Christophers, which will now be a loss to him, and this was scarcely done in any hopes of King James's return. I quite agree with Mr. Walrond that Governor Codrington is highly obliged to the King's grace and favour; but he has not gained a great estate by the Government. He has indeed a great estate, for he has the best in Barbados, and better than any other three in the Leeward Islands. But he had all this before he was Governor, and has thereby been able to support the expense of that post, for his salary, were it duly paid, would do but little towards it, and the inhabitants, as you may see from the enclosed papers, have nowise assisted him therein. I have been informed that for some time past Governor Codrington and Mr. Walrond have not been on good terms, from which perhaps his professed zeal may have received part of its warmth. However this may be, it is evident that his arguments against Governor Codrington and the narrative of his own loyalty make up a much greater part of his letter than the facts he relates. I beg you to consider these memorials and to recommend them, if you think fit, to the Treasury. *Signed, Arch. Hutcheson. 1½ pp.*

49. II. Memorial of Archibald Hutcheson, agent for Governor Codrington, to the Lords of the Treasury. In April, 1695, I presented to you a memorial praying that the salary of Governor Codrington (£750 *per annum*) and the contingent charges of his Government might be paid

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by the sale of a sufficient proportion of the $4\frac{1}{2}$ per cent. duty on the spot, or that the husband of that revenue should be instructed to pay the same out of the produce thereof. This memorial you referred to Mr. Blathwayt, and I was instructed to move you again in the matter, when any of the said revenue should arrive. I accordingly did so by a new memorial in December, 1695, and you informed me that you would direct the salary to be paid out of the produce of the duty here. I again applied to you in May, 1696, and was answered as aforesaid, but as yet you have made no order therein, nor since then have I troubled you with further applications. Governor Codrington has always expressed great zeal for the King's service, as the annexed memorial will shew, and has commanded his only son to attend the King every campaign, assigning him for his expenses all his salary as Governor of the Leeward Islands; but since this has not been paid since 26 October, 1694, the son has been obliged to run into debt to pay the expenses of the two last campaigns. I beg therefore that you will direct the salary and contingent charges to be paid either by sale of a sufficient proportion of the $4\frac{1}{2}$ per cent. duty on the spot or out of the produce thereof here. *Copy. 1 p.*

Copy of a former memorial of Archibald Hutcheson to the Lords of the Treasury in April, 1695. This rehearses the King's orders for the payment of Governor Codrington's salary out of the $4\frac{1}{2}$ per cent. duty, and the due payment of the same from the sale of the produce thereof in the Leeward Islands till October, 1694, in which year an Order in Council directed the produce of the duty to be sent home in kind; and begs that the salary may be paid by those that sell the produce of the duty either in England or on the spot. *1 p.*

Copy of a letter from William Blathwayt to the Treasury, 1 May, 1695. Recommending orders to the Collectors of the $4\frac{1}{2}$ per cent. duty in the Leeward Islands to pay to Governor Codrington his salary from that revenue on the spot. $\frac{3}{4}$ p.

Memorial of Governor Codrington's services. 1. He accepted the Government of the Leeward Islands in July, 1689, when they were in a most distracted condition, and St. Christophers was already taken by the French. He brought back the Irish papists in Montserrat to quiet loyalty, and within four months of the arrival of the first squadron from England destroyed St. Martins and St. Bartholemew and greatly damaged Mariegalante. 2. The squadron which brought him his commission as Captain-General arrived on 1 June, 1690. On 21 June he landed in St. Christophers, and in three weeks he had recaptured the island and sent all the French away, with a loss to himself of no more than a hundred men. 3. In April, 1691, he raised what

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troops he could, and destroyed Mariegalante, and the leeward part of Guadeloupe. 4. He raised 1,000 men to join Colonel Foulke's force against Martinique and accompanied it himself under Colonel Foulke's command sooner than that the King's service should suffer. The failure of the expedition was due to no fault of his. 5. Soon after his entrance into the Government he bought with his own money powder and stores for the islands, and has continued to do so, without any interest or gratification. On 18 August, 1692, the Islands owed him £1,895, and Antigua alone, besides her proportion of that sum, owed him £640 in money and near 100,000*lbs.* of sugar. 6. His predecessors have usually received a considerable present from the Islands on first taking office, and yearly allowances afterwards. He himself has never asked for sixpence, but assisted them with money as aforesaid. He has also advanced money for the Regiment there without interest. Near £1,000 is owing to him for the same at this moment, and £1,500 for the frigates. 7. He has always shewn zeal for the present Government, and though his advantages from his post have been less than those of his predecessors, his hardships, fatigue and expenses have been greater. The Lords of Trade have twice represented his good services to the King, on 24 June, 1690, and 8 January, 1693-4; and the King has accepted of them. 2 *pp.*

43. III. Certificate of the General Assembly of the Leeward Islands, 18 August, 1692. As to the money advanced by Governor Codrington to the Leeward Islands (*see par. 5 of preceding memorial*) for which he has asked no interest nor gratification, nor even abatement of the levies on his estate, having always paid his full share of taxation like all other inhabitants. 1½ *pp.*

Extract from an Address of the General Assembly of the Leeward Islands to the King and Queen. November, 1691. Bearing witness to Governor Codrington's good service to his Government. ½ *p.*

43. IV. Copy of a letter from Archibald Hutcheson to the Secretary of the Treasury. 9 July, 1697. Governor Codrington is now three years in arrear of his salary, during which time he has paid all the contingent charges of Government with his own money and is now considerably in disburse on that account. For two years past I have represented this to the Lords of the Treasury, but without obtaining any final directions thereon. My last memorial on the subject, with a memorial of Governor Codrington's services, has been lodged with Mr. Glanville for several months, and I am persuaded that if it were read, its prayer would be granted. I would add that though in arrear of his own salary and in great disburse for the contingent charges of his Government, and although in repayment for £1,500, which he advanced for the King's ships, he

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received tallies which his Agents here could not sell for £900, yet notwithstanding all this discouragement he continues to pay for the maintenance of St. Christophers Fort and other contingent charges of Government; and in his last letters of 1 May, 1697, he writes that he was then disbursing several hundred pounds to supply H.M.S. Colchester with provisions. I beg you on this gentleman's behalf to procure that his memorial may be read and that you will give your kind assistance in procuring the dispatch of an order by the Lords of the Treasury thereupon. 1½ pp. [*Board of Trade*. Leeward Islands, 5. Nos. 61, 61 i.-iv.]

Nov. 12.
Whitehall.

44. Council of Trade and Plantations to the Earl of Bellomont. We have received yours of 1st inst. from H.M.S. Deptford. This is to acquaint you that the Lords Justices have ordered that the 30 *per cent.* deduction is not to be made from the pay of the two New York Companies before their arrival at New York, and that an account is to be given of the £1,690 unappropriated overplus of that deduction, and transmitted by you on your arrival. You will take note of these orders. *Signed*, Ph. Meadows, Jno. Pollexfen, Jno. Locke, Abr. Hill, George Stepney. [*Board of Trade*. New York, 52. pp. 291-294.]

Nov. 13.
Goodman's
Fields.

45. Francis Jones to William Penn. In reply to yours I must confess that I wrote to Governor Nicholson in a heat, occasioned by my want of sailors to man a ship built in your province, Colonel Markham having commissioned one Day to go out privateering (who has since been forced into Curaçoa where he sold his ship) and on which ship seamen entered themselves as fast as I shipped them in my own. I desired Colonel Markham to order it otherwise, when he answered that Day was down the river out of his reach, and that they had not force in the province to command him. Thereupon knowing that there were several men-of-war in Virginia and Maryland I in that heat wrote to Governor Nicholson, not supposing that any further use would be made of my letter, for notwithstanding the heat that has happened between Colonel Markham and myself I must do him the justice to assure you that in my judgment no fitter person could be found to govern in the King's interest and the province's. I have lived under his Government for five years, during all which time his Government has been to the satisfaction of the substantial inhabitants and traders in general of the province. Only within this year or two some turbulent and discontented people have come here from other Colonies, who have picked occasion to hold correspondence with Maryland (an absolute enemy to the prosperity of Pennsylvania) particularly one Snead, a Jamaica man of passionate temper and unworthy of your notice, being of little or no reputation, very indigent of money to compass a small plantation, and a fellow that has little or no credit given to his words. Next, as to Every's crew, I was in Pennsylvania when the proclamation for apprehending them came out, at which time Colonel Markham at once issued a warrant for their apprehension, and had all that were in the province committed

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to the common gaol. By assistance of their friends they after a short confinement broke out of prison and escaped in the night (except one who was stopped, and was in prison when I left Pennsylvania). Immediately thereupon hues and cries were issued and sent to the neighbouring Colonies for their apprehension, Colonel Markham offering a reward of £5 for each man. It is not strange if Maryland endeavours to subvert your Government, since they so publicly show their disaffection to its trade by laying an imposition of 10 *per cent.* on all European commodities imported through their country, though a "pennard" [? pennyworth] thereof be not exposed to sale in their province, nor a penny benefit received of them; while at the same time all goods from New York and Virginia are free. There is also a custom upon all wine, beer, rum, etc., though they would want all these, as well as sugar and molasses, if Pennsylvania did not supply them, they having their chief supply of that and their ships of bread and flour constantly from Pennsylvania, having none of these things of their own importing or making. As to running tobacco from the head of the bay from Maryland, that is a general mistake, the inhabitants of Pennsylvania forbidding it by a particular law of their own making. Instead of that there was to my own knowledge about 100 hogsheads of tobacco transported last year from Pennsylvania to Maryland, partly by permit of Colonel Nicholson, the tobacco being for export to England by that way. It is also an error that the Curaçoa trade is encouraged by Colonel Markham, for it is contrary to the interests of the merchants to bring Dutch goods thence to Pennsylvania. It is true that a trade is driven to Curaçoa, but not to the prejudice of the King's customs, provisions being shipped from Pennsylvania to Curaçoa, "for which is given "in return heavy pieces of eight at 4 shillings to 4½ shillings (?), "the which advances about 75 *per cent.* in Pennsylvania, the "which money the same vessels generally carry to the salt-ponds, "and there load home to Pennsylvania with salt, which, with the "advance the money yields, affords more profit than any Curaçoa "commodities, without the risk of being seized can do." As to Scots trading, I know not what may have happened in the infancy of the province, but since my five years of constant trading in Pennsylvania no such trade has been encouraged but quite the contrary, there being sufficient security taken for every vessel that loads thence, and not above one that I ever heard of whose bond was forfeited, when the vessel was confiscated accordingly. Little tobacco can be exported thence because the inhabitants incline to the husbandry of tilling corn. I believe that not above 1,000 hogsheads are made in the province annually, and so few of them shipped to the plantations abroad that the King's customs must go an inconsiderable way towards the paying of three officers, who I hear were sent to the river Delaware. If the traders there were inclined to false and irregular methods (which is not worth their while), thirty officers would be little enough to prevent it, owing to the length of the river and the conveniency to be found in it. Your country daily improves with inhabitants, and is cultivated with an industry much exceeding the neighbouring provinces. Hence their envy and malicious endeavour to hinder its prosperity

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by having the Government altered. Without this the province will in a little time be the flower of the whole continent. *Signed, Fr. Jones. P.S.*—I suppose the occasion of Colonel Markham's granting a commission to Day was our having three sloops taken by the French on the coast just before. *Holograph. 4 pp. Endorsed, Recd. 15 Nov., 1697. [Board of Trade. Proprieties, 2. No. 4.]*

Nov. 15.

46. Minutes of Council of Montserrat. Two patents for lands passed to John Daly and Thomas Gibbons. *[Board of Trade. Leeward Islands, 64. p. 526.]*

Nov. 15.

47. Journal of Council of Trade and Plantations. Mr. Hutcheson's letter of 12th inst. read.

The Secretary produced a letter from Mr. Francis Jones tending to the vindication of Governor Markham, which had been left with him by Mr. Penn.

Order for a representation to be drawn as to the passing of a law respecting trials for piracy in the Colonies.

Draft letter to Governor Nicholson agreed to. Order for a doubt, expressed in his letter of 13 July as to trial for breaches of the Acts of Trade, to be referred to the Solicitor and Attorney-General.

Nov. 17.

Letter to Governor Nicholson signed and committed to Colonel Quarry for conveyance.

Nov. 19.

An anonymous letter to the Agents of Barbados was given in by Lord Bridgewater (No. 52). *[Board of Trade. Journal, 10. pp. 347-349.]*

Nov. 16.

New York.

48. Governor Fletcher to Council of Trade and Plantations. I have received no letters from you since my last. A brigantine with a cargo worth £6,000, bound hither from England, has been taken by a French privateer and carried into Canada. The French Governor treated the prisoners kindly, giving them provisions and other necessaries, and let them travel to Albany, whereupon with the Council's advice I released an equal number of old men and women, who had been captured by Indians and were a burden to the country, and gave them necessaries for their journey to Canada. I send by this vessel, which is without convoy, copy of the latest Indian propositions. The province is safe, and the Indians of Albany have had the advantage of the French both in slain and prisoners this summer. We have heard some time that Lord Bellomont is appointed Governor of New York and New England, and that the Fowey is appointed to relieve the Richmond, bringing out clothing which is much wanted for the four companies. But we have no account yet of the Earl or his ship, which is a great obstruction to affairs, the common people being of opinion that there will be no taxes for carrying on the war after his arrival, and all that is raised will be repaid them. I have cleared off the victuallers and staff and warrant officers to the 1st of May. There is six months due to them on the 1st inst., and since another Governor is appointed I cannot have money upon bills for their subsistence. The Council has agreed that if the victuallers raise money upon interest to answer a further supply of provisions for the ensuing winter, they will order the payment of the interest out of revenue. I doubt it will be difficult to raise money on that order. I hope the Earl will

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soon arrive. If the clothing does not come quickly there is no hope of getting up to Albany this winter, and the men are in extreme want. On the 10th inst. I sent up £500, New York money, towards the relief of the soldiers which will be some help, and I should have gone there myself but for the daily expectation of being recalled. The Lieutenant-Governor of Boston keeps a constant friendly correspondence with me. He sent me copy of your instructions for giving assistance to Colonel Gibson in Newfoundland, and because the inhabitants of Boston have great part of their bread from hence and have been in great necessity, he wrote to me to perform the said order. The Council agreed that the merchants of the city should be convened and your letter laid before them; and three vessels full of provisions were quickly dispatched to Newfoundland, where we hear that the two first are safely arrived. I bless God that my endeavours for the province have not been ineffectual. It has improved more in building and trade these last five years than in many years before, as I shall be able to prove to you when I return home. *Signed*, Ben. Fletcher. 3 pp. *Endorsed*, Recd. 7 Jan. Read 10 Jan., 1697. *Enclosed*,

48. 1. The Agents at Albany to Governor Fletcher at Albany. 28 September, 1697. Three Cayouge Sachems came and spoke as follows. Brethren, we come to lay before you our poverty and that we are menaced by French and Indian enemies. We beg you to assist us with powder and lead, to enable us to annoy the enemy. (Here they gave two otters and four beaver-skins.) We are sorry to have to tell you of the loss suffered by the Senecas in a fight with the Twitchtwichts. Our young men killed several of the enemy but in their retreat some of their chief captains were cut off. Pray give us wampum to condole our dead, according to custom, for which we give you these beavers. (Here they laid down ten skins; the wampum was immediately given to them, and the next day appointed for a conference on the first proposition concerning powder and lead.)

On the next day we, the English Agents, said as follows. You desire of us powder and lead. What occasion have you for necessities of war, and how can you ask assistance from us when meanwhile you have privily sent messengers to the Governor of Canada, our enemy and yours, desiring to make peace? To this the Sachems replied, that they knew nothing of it, had no hand in it directly or indirectly, and never heard of it until they arrived at Onandaga, in their journey hither, where they were informed that messengers were sent to Canada from thence, but only to delude the Governor and gain time for their young men to hunt in safety. For their own parts they said that they would never agree to peace with the French Governor without Governor Fletcher's and the Five Nations' approval, and that they would also keep the covenant chain with the Governor unruled. We then thought it proper to put

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more notions into their heads to keep them warm to the war and to keep Canada in alarm of an attack this winter ; so we desired that each Nation should furnish us with twenty pairs of snow-shoes about Christmas time, upon which we gave them seven bands of wampum to communicate with all the Five Nations. Two days after we had dispatched these Indians, three Seneca Sachems arrived with us at Albany, gave furs, asked for wampum, and gave the same assurances as the Cayouges. We design to dismiss the bushlopers, their service being chiefly in the summer. We undertook to pay them when discharged, which we shall do by our private bonds if money be not remitted in time, of which no doubt you will take care, as your prudence has already done much for the Colony and particularly for the Five Nations, despite their occasional waverings. *Signed*, P. Schuyler, Dirck Wessels, Dellijs. 2½ pp. *Endorsed*, Reed. Jan., 1697-8 in Governor Fletcher's letter of 16 Nov., 1697. [*Board of Trade*. New York, 7. Nos. 54, 541.; and (without enclosure) 52. pp. 296-298.]

Nov. 17.
Whitehall.

49. Council of Trade and Plantations to Governor Nicholson. We have received yours of 13 July and 31 August to ourselves, and of 30 June to the Privy Council. Your proposals concerning convoys are all answered by the happy conclusion of peace. We learn that the merchants have had very good markets for tobacco, so we hope that they will supply you with manufactured goods in such plenty and so cheap that your people will have no encouragement to go on making them there (as you say they were too much inclined) but instead thereof apply themselves more industriously to planting. However your observations on the subject and your endeavour to promote what is apparently the true interest of England therein will always be very acceptable. We have perused the Journals and other public papers, and shall use them. But the laws are still in the Attorney-General's hands, for we have been obliged to return all of them to him for a full report on the whole. We would remind you of what we have already writ to you on this subject. Mr. Penn and others in Pennsylvania have complained much of the laws imposing a duty of 10 *per cent.* on European commodities exported from Maryland, as not only injurious to them but an obstruction to the exportation of goods from England. We have deferred answering until the law itself is before us. We send you a paper of the objections, which by the style of it seems to have been sent from Pennsylvania to yourself. Whether this be so or not, some of the reasons contained therein, and the suggestion that the exportation of goods from England is hindered, seem to us to have weight in them, and that in any case partiality in the execution of the law should especially have been avoided. We notice an entry in the Journal of the Council of 28 May, 1697, that a letter from Mr. Povey was read, saying that he had not been wanting to solicit us about Maryland coins. No such application was ever made to us about that matter. A few

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loose papers on the subject were indeed handed to us on our first entry upon a commission, as matters depending before the late Committee, but we did not propose to move therein till the laws came regularly for consideration before us. Your information and suggestions in your letter of 13 July as to the Acts of Trade are very useful, and we desire you to continue them; but in future you will write on a distinct paper of all matters that lie under the conduct of the Commissioners of Customs, and inform us what portion of them you have communicated directly to the Commissioners. We approve your zeal in issuing proclamations and directions against pirates; but we must point out that the informations of Thomas Robinson and Francis Jones, as to the conduct of the Pennsylvanian Government respecting pirates, is of the less weight because it is not on oath. We suspend our judgment thereon until we have seen their defence. The peace has led us to enquire as to the encouragement that can be proposed in any of the Colonies for disbanded soldiers to transport themselves thither; and it has been some inconvenience to us that there is no Agent here for Maryland as for other Colonies. We fear that the want thereof may be prejudicial to Maryland on some occasions, owing to delays and loss of opportunities. Your remarks as to the want of negroes and servants makes us desire more particular information as to what ordinarily becomes of the white servants sent thither, and you will report to us thereon. Your doubts about trials for breaches of the Act of Trade have been submitted to the Attorney and Solicitor-General. *Signed*, Ph. Meadows, Jno. Pollexfen, Jno. Locke, Abr. Hill, Geo. Stepney. [*Board of Trade*. Maryland, 9. pp. 165-171.]

Nov. 17. 50. William Popple to the Attorney and Solicitor General. Forwarding extracts from Governor Nicholson's letter of 13 July, 1697, reporting his doubts about trials for breaches of the Acts of Trade. [*Board of Trade*. Maryland, 9. p. 170.]

Nov. 18. 51. Major Handasyd to William Blathwayt. I give you an account of the fortifications here and of the great mortality among us since the fleet sailed hence on 8 October last. Eighty-seven of the soldiers and two of the train of artillery are dead; the rest I hope may recover. In King William's Fort the guard-houses, store-houses and barracks are finished, except the officers' houses, which are unfinished for want of boards. The palisades round the fort are set up, the gates and draw-bridges made, and we are mounting the guns in the batteries, but shall want a great deal of plank to finish them. I could not possibly get the boom across the harbour's mouth for want of dry-timber, but I have taken care to procure some, and shall have it laid across as soon as the frost is gone. I am credibly informed that the enemy are in no condition to make an attempt on us this winter, without more forces from France. If they do come, I hope we shall shew ourselves to be Englishmen and faithful servants of the King. I send home three French deserters, from Placentia by their own account, by H.M.S. Dreadnought, which after being shattered severely in several storms came into the Bay of Bulls on the 6th inst. Three of the convoy came in here, but four are missing, which makes me doubt

St John's,
Newfoundland

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they have miscarried. *Signed*, Tho. Handasyd. 1½ pp. *Endorsed*, Recd. 13. Read 17 Jan., 1697-8. Communicated by Mr. Blathwayt. [*Board of Trade*. Newfoundland, 3. No. 89.]

- [Nov. 19.] 52. Copy of an anonymous letter addressed to the Agents of Barbados. Since the arrival of the last fleet I have been much concerned to hear, in discourse, of the languishing condition of Barbados. I am satisfied that the Island has made a worthy choice of Agents in you; but your many affairs may not have allowed you leisure to think of everything that deserves your consideration. The two great evils from which Barbados suffers I take to be (1) the maladministration of justice, (2) the diminution of the number of white men. As to the first I need not tell you how the five Courts of Common Law for the five precincts are governed each by a judge and four assistants. It is notorious that instead of being conversant with Coke and Lyttelton these gentlemen have spent most of their time in perusing journals, ledgers and waste-books. Far be it from me to arraign their honesty and honour, but the learning of Westminster Hall is not to be acquired in a boiling-house; and the result is that great trouble and vast expense is caused to litigants by the necessity of appealing to England. I would suggest that five persons, approved of for their learning in the law, should be chosen by the Chief Justice, Lord Chief Baron and the Lord Keeper, and sent out to the island, that one of them should be appointed to the Court of each precinct, and that the whole five should sit in each Court together, under the presidency of the judge of that particular Court. Their salaries should be £400 a year; and their places should be filled up in like manner as they fall vacant. In the Court of Error the Governor should always associate two of the Judges with him. I now come to the diminution of the white men, whose numbers are said to have sunk in twenty-five years from twenty thousand to three or four thousand. The country has endeavoured to remedy this, but servants more readily resort to places where land can be given them at the end of their term, which cannot be done in Barbados. I would suggest that, after a reasonable time prefixed, all persons there should be obliged to have their attendance of white men and boys as in England. This would force the negroes from the houses to the fields, and by enforcing the Act to prohibit negroes from engaging in trades, employment would be thrown open to the poor white servants. The evil has proceeded not a little from the covetous desires of persons in the greater plantations to engross all the little ones and lay them to their own. These little plantations were provision-plantations, and in them consisted the strength of the Island, but they are now all swallowed up in the great ones. It would be well for the country to purchase 2,500 out of the 120,000 acres in the Island, and dispose of them in lots of five acres. This would support 500 families, but looking to the prospect of their increase it might be advisable to purchase 5,000 acres, and a quit-rent might be taken to reimburse the country. The militia is now so weak that it would be worth consideration whether it would not be better to encourage a competent strength of whites instead of crowding the country with negroes. *A very lengthy*

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paper. 11 pp. *Endorsed*, Brought to the Board by the E. of Bridgewater, 19 November, 1697. [*Board of Trade.* Barbados, 7. No. 51.]

Nov. 19.

53. Minutes of Council of Maryland. Thomas Tench and William Dent produced the journal of their journey to Virginia about the Piscattaway Indians, and their proceedings therein. They started on the 2nd of November and reached Jamestown on the 4th, when Sir Edmund Andros asked for a statement of their business in writing. Owing to Tench's illness they could not meet the Governor and Council of Virginia till the 10th, when they laid their business before him. *Here follow* Copies of the documents exchanged between the two parties. A special summons to a meeting of Council was then sent out. [*Board of Trade.* Maryland, 13. pp. 381-388.]

Nov. 20.

54. Minutes of Council and Assembly of Nevis. A letter from the Governor was read as follows. I am surprised to hear that your letters to me have miscarried; if you had told me by whose hand they were sent I could have punished the offenders. You cannot have read my Commission, though it is on record with you, or you would not dispute the Council's power to vote in issuing a writ for election of an Assembly man. I cannot notice any comparisons between you and the House of Commons, and I regret that you should quarrel at trifles. Since you have declared Philip Browne's commission to be void I hope you will support your own Treasurer's credit in England, which Captain Perrie would have done had you assisted him. You have no one to blame for the failure to collect arrears of taxes but yourselves. As to the sending home of Acts to be confirmed, you must first prepare some to which I can assent. If you have no laws, it is only because you flatter yourself that you can pass them without I arrive to confirm them. *This letter is of great length.* Order for negroes to be provided to cut *lignum vitae*, the Governor having sent H.M.S. Jersey to protect them. [*Board of Trade.* Leeward Islands, 64. pp. 439-442.]

Nov. 22.
Whitehall.

55. William Popple to Sir Charles Hedges. The Council of Trade desires to be informed by what law and in what manner the Courts of Admiralty erected in the Plantations by Commission of the Lords of the Admiralty, do or may try pirates, and whether they have power to inflict capital punishment upon those that are proved guilty. [*Board of Trade.* Plantations General, 34. pp. 207-208.]

Nov. 22.

56. Journal of Council of Trade and Plantations. Order in Council of 4th inst. as to Mr. Grey's instructions read.

Draft representation as to pirates considered. Order for the Secretary to enquire of Sir Charles Hedges as to the powers of the Courts Admiral erected by Commission of the Admiralty in the Colonies to try and punish pirates.

Nov. 23.

A letter from the Duke of Shrewsbury of this day covering copies of complaints against Sir William Beeston was read (No. 57) and the matter appointed to be considered to-morrow.

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Nov. 24.

Memorial of Mr. Grey as to his passage received (*No.* 59) and a representation ordered thereupon.

Several Quakers attended, with a letter from Mr. Penn, to desire that the Maryland law imposing a duty of 10 *per cent.* on European goods re-exported might be reported on, without waiting for the other laws to pass out of the Attorney-General's hands. They were answered that the Council had written to Governor Nicholson on the subject, and thought it inexpedient to consider laws except in order as they were passed.

Sir Charles Hedges, attending, reported that the Admiralty Courts in the Colonies have no power to try and punish pirates except under a local law, such as exists in Jamaica, though they have power to arrest pirates and send them home to be tried. He doubted if a law to extend uniformly through the Plantations for the trial of pirates there could be easily obtained. The Council resolved to send a circular ordering Governors to execute strictly their powers against pirates and suggesting to them the passing of an Act like the Jamaica Act against pirates.

The complaints against Sir William Beeston were then read, with Lady Beeston's memorial on his behalf (*No.* 60) and his letter of 15 July. Order for copies of the complaints to be sent to Mr. Gilbert Heathcote with directions to bring his answer on Monday next, and that notice thereof be sent to the Admiralty.

Nov. 25.

Representation as to Mr. Grey's passage signed.

Nov. 26.

Order for a circular to be drawn for transmission of copies of the Treaty of Peace to the Plantations. [*Board of Trade. Journal*, 10. pp. 350-357.]

Nov. 23.

Whitehall.

57. Duke of Shrewsbury to Council of Trade and Plantations. The enclosed papers from the Admiralty have been laid before the King, complaining of Sir William Beeston's refusal to supply the King's ships with men or provisions, and his neglect to send Admiral Nevill advice of the French squadron in those parts. The King directs that you enquire into these matters and report. *Signed*, Shrewsbury. $\frac{1}{2}$ p. *Endorsed*, Read 23 Nov., 1697. *Annexed*,

57. 1. Secretary of the Admiralty to [James Vernon]. Admiralty Office, 5 November. I am to send you the enclosed copy of a letter from Captain Reeves of H.M.S. Newcastle, reporting that the Governor and Agent at Jamaica refused to supply him with money and provisions for his ship, also copies of several letters that passed between Admiral Nevill and the Governor of Havana. The Commander of the Princess Anne also reports from Jamaica that the Governor and merchants there refuse to supply him with provisions, and that the Governor had also refused to impress men for him. Copies of these papers are also enclosed for the information of the Lords Justices, also an extract from Admiral Nevill's journal complaining of Colonel Burton's [Beeston's] not sending him advice of the French ships in those parts. *Signed*, J. Burchett. 1 p.

Captain Daniel Reeves, H.M.S. Newcastle, to the Admiralty. Port Royal, 11 August, 1697. I was sent

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in here by Admiral Nevill's order to refit. I have done this ten days ago, but am forced to lie here for want of provisions to carry me up to Barbados. I have applied to the appointed Agent, who has given me a flat denial, saying that he could not run himself into debt for any of the King's ships, but had he it of his own he would supply me. Since then I have been with the Governor, who tells me that he has no money nor nobody will trust him; but I find it is all tricking, for the Governor and merchants are agreed together that I believe I shall get but little from them, but what the purser must buy if he gets credit. The Governor says that his salary from the King is so small that he spends £600 besides it for keeping the table only, so that he has no money to spare. Our men fall sick very fast and several run away, and to complain to the Governor signifies nothing, for they say they will protect those people for the service of the island; so all our men that run away are clear lost and never to be gotten again. 1 p.

Admiral Nevill to the Governor of Havana. H.M.S. Cambridge off Havana, 22 July, 1697. I trouble you with a letter which I sent by one of our frigates to Saint Jago, acquainting you that I had come into these seas for the security of the galleons and to accompany them to Cadiz. Being in great want of water and refreshment, having got none at Carthagena, I beg your permission to bring my ships into Havana, to make provision for so long a voyage. $\frac{1}{2}$ p.

Admiral Nevill to the General of the Galleons. 23 July, 1697. I sent a sloop with a letter to Porto Bello fearing that you might be put back after your coming from thence on 28 May, of which I was informed by a sloop that came out in your Company. I have since written to you at Havana by a sloop which I sent to Saint Jago, to tell you that I was come to these seas to escort you to Cadiz.

Admiral Nevill to the Governor of Havana. 25 July, 1697. I am honoured by yours of yesterday, and was mightily surprised at the sight of it, wherein you use us more like Turks and Moors than Christians and Englishmen in denying us water, when we have come for so many hundred leagues to serve His Catholic Majesty. You were misinformed when you were told that we wanted bread and flour. We have enough of them, and want only water. Since you refuse it, and since the river Matanses is ill-suited for watering so many ships I shall leave this Island to-night and seek water among the Indians, from whom I doubt not that we shall find more friendship than from you. If we were Turks or Jews we could not, by the law of nations, be refused admission into any port for forty-eight hours in case of such necessity as we are now in for water to carry us to England; for thither I must go by my

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master's orders if the General of the galleons refuses to accompany me to Cadiz. I send you a packet of letters which came to my hands last night from Jamaica. 1 p.

Admiral Nevill to the General of the galleons. 25 July, 1697. If you will not accompany me to Cadiz, my orders are to sail to England. Kindly inform me of your resolution.

Admiral Nevill to the Governor of Havana. 25 July, 1697. I had ordered my provision-ships to Havana, not doubting but that we should be admitted. I beg you the favour to hand them the enclosed instructions to follow them to England.

Here follows what is evidently an abstract of instructions given by Admiral Nevill to some emissary, whom he sent to the Governor of Havana to ask admission to the port. You will inform the Governor as follows. I was ordered from Cadiz secretly to these seas for the security of the galleons. I have come from Carthagená and have packets for the King of Spain. I beg for admission to the port, and that if refused I may not be sent to the Bay of Matanzas, for I lost all my long-boats while in chase of Pointis, and the place is inconvenient for watering such a fleet as mine. By the law of nations you cannot refuse us admission to the port to water, in case of distress, for forty-eight hours. If you refuse us admission for so long, I am ready to send five or six of my captains ashore as hostages for our good behaviour. I have powder and small arms with a ship to send to Carthagená, for want of which the people cannot keep out the privateers. By intelligence from England, dated 14 May, a French fleet is fitting out at Brest to intercept the galleons. If none of these arguments will prevail, our want of water is so great that I will give the Governor of Havana a present of two thousand pieces-of-eight. I enclose him a copy of an account of the flota and galleons, which was given to me when I arrived at Cadiz from England, that Mons. Chateaurenaud was lying off the Azores in wait for them. I enclose also my orders from my King to go to Havana for the relief of the galleons, he being afraid that Pointis designed to attack them. I had notice from a Jamaica sloop of the galleons' leaving Porto Bello on 28 May, n.s., and fearing lest they should be put back I sent a sloop from Carthagená to Porto Bello that I would meet the General of the galleons at Havana and escort them to Cadiz. This sloop had not returned by the 15th July, n.s., so that I suspect that they detain her to act as pilot. We landed 1,000 men at Petit Guavos and burned it, taking and destroying nine privateer-ships and carrying away 500 privateersmen prisoners to Europe. The King of Spain forbids ships of other nations to enter his ports on account of trade. We being men-of-war have no merchandise. 2½ pp.

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The General of the galleons to Admiral Nevill. Havana, 25 July—4 August, 1697. I thank you for your offer. If it lay in my power I would gladly accept your company to Cadiz, but, as I have told you, I cannot go against my King's orders. $\frac{1}{2}$ p.

The General of the galleons to Admiral Nevill. 24 July—3 August, 1697. I have laid your letters before my officers, but the King has given me no instructions to sail with you to Cadiz, and I am therefore bound by my former orders from him. I regret greatly that I cannot have your company. 1 p.

The Governor of Havana to Admiral Nevill. Havana, 24 July—3 August, 1647. I have received and thank you for your letters of 12 June from Jamaica and of 22 July off this port. I would gladly do all that I can for the ease of your fleet, but I have no orders to do so, and the rules of the King my master are strict—that no ships but Spanish shall be admitted, without excepting any. The galleons are in this port, and their General agrees with me. You are free to water, wood and victual at the bay of Matanses, and I will send you a pilot if you want one. $1\frac{1}{4}$ pp.

The Governor of Havana to Admiral Nevill. 25 July—4 August, 1697. A very civil letter, deprecating Nevill's cruel reproaches but adhering to his decision. $1\frac{1}{4}$ pp.

Captain George Magham, of H.M.S. Princess Ann, to the Admiralty. Port Royal, Jamaica, 12 August, 1697. Admiral Nevill has commissioned me to command this ship, but I find her very much in want of men, provisions and stores. We have orders not to impress men ourselves but to apply to the Governor for men, which we do, but to little purpose. As to provisions Mr. Heathcote, who formerly supplied us, says positively that he has none and will advance no more money to procure any; and so say all the gentlemen of Port Royal. We have now not above ten days' provisions on board, and when that is done the Governor says we must all be quartered ashore. If so, our men will have a large island to range in and will give us leave to catch them again when we can. As for stores I can get no credit from the owners of the ship, so must make use of the King's. I shall duly furnish an account thereof. $\frac{1}{2}$ p.

Extract from the Journal of Admiral Nevill. I cannot forbear to tell you of the unkindness of Governor Beeston. The lieutenant of the Southampton had been in a sloop at Petit Guavos and came down to report to him that the French fleet was sailed and Jamaica out of danger. Thereupon the three captains of the men-of-war asked several times that one of them might be ordered to windward, to lie off Hispaniola and give us notice that the French were gone over to the Main. I could have watered at Tiburon, where the French did, and stretched

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over to Carthagena and caught them there with the town dismantled. The Governor's answer was, that we might as well have stayed at home, for we were too late now. Hence I judge there was not a penny to be got, for I perceive that the Governors in the tropics when they send a letter or a flag of truce, send a cargo with it. $\frac{1}{2}$ p. *Copies. The whole, 13 pp.* [*Board of Trade. Jamaica, 8. Nos. 74, 741; and (without enclosures) 56. pp. 150-151.*]

- Nov. 23. **58.** Minutes of Council of Barbados. A provision-ship intended for the King's service in Newfoundland was driven into Barbados by heavy weather. Order that her provisions be landed and surveyed, and that her powder-duty be remitted. Sundry accounts for salaries, disbursements and rebates passed. *Note.* Councils were called on 26th and 30th of November, but no quorum could be made. [*Board of Trade. Barbados, 65. pp. 259-261.*]
- Nov. 24. **59.** Memorial of Ralph Grey. The Admiralty have ordered a man-of-war to carry me to Barbados. I beg your recommendation to them to provide me, as is customary, with a ship of 150 tons to transport my goods, servants and equipage. $\frac{1}{2}$ p. *Endorsed, Nov. 24, 1697.* [*Board of Trade. Barbados, 7. No. 52; and 44. p. 111.*]
- Nov. 24. **60.** Memorial of Sir William Beeston to Council of Trade and Plantations. There is a complaint against Sir William Beeston that he gave not timely intelligence to Admiral Nevill, which prevented him from meeting with Pointis's squadron. Sir William is ready by his Agent to prove the falsity of this. Sir William's salary has not defrayed by some thousands of pounds his expenses in the Government. The best part of his estate ruined by the earthquake, the death of children, his wife exposed to a battle going to him, part of her goods and equipage taken by the French and herself obliged with the remainder to land at Plymouth—all these calamities considered, it is hoped that the King will allow him the full salary of the Government as allowed to his predecessors, and that your Lordships will represent it to the King accordingly. 1 p. *Endorsed, Levy Beeston's memorial in vindication of Sir Wm. Beeston, 24 Nov., 1697.* [*Board of Trade. Jamaica, 8. No. 75; and 56. pp. 151-152.*]
- Nov. 25. **61.** Minutes of Council and Assembly of Antigua. The Assembly sent up a private Act, on which the Council desired a conference. The Council concurred in the Assembly's proposal for a joint Committee to review the Acts for Courts, for regulating negroes, for ascertaining the bounds of lands and for regulating the Assembly. [*Board of Trade. Leeward Islands, 64. pp. 219-220.*]
- Nov. 25. **62.** Council of Trade and Plantations to the King. Mr. Grey has applied to be allowed 150 tons of shipping for transport of his servants and goods to Barbados. We find this request to be in accordance with custom and reasonable. *Signed, J. Bridgewater, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Jo. Locke, Abr. Hill, Geo. Stepney.* [*Board of Trade. Barbados, 44. p. 112.*]
- Whitehall.

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Nov. 25. Kensington. **63.** Order of the King in Council. Approving the representation of Council of Trade of this date (*preceding abstract*) and ordering the Admiralty to provide 150 tons of shipping accordingly. *Copy.* $\frac{1}{2}$ p. *Endorsed*, Read 3 Dec., 1697. [*Board of Trade.* Barbados, 7. No. 53; and 44. pp. 116-117.]
- Nov. 25. **64.** Extract from the Minutes of Council. Representation of the Council of Trade about sending disbanded soldiers to the Plantations. No order given. The part relating to disbanding in the men in the Plantations to be laid before the King for further consideration. Representation of the Council of Trade about sending provisions to Newfoundland. No order given. Representation on the petition of East Jersey respecting Perth-Amboy approved. Representation as to New York. No order given as to the deduction of 30 *per cent.* for the future. *Copy.* $\frac{1}{2}$ p. *Endorsed*, Read 3 Dec., 1697. [*Board of Trade.* Plantations General, 4. No. 77; and 34. p. 210.]
- Nov. 25. Kensington. **65.** Order of the King in Council. On the representation of the Council of Trade respecting the transportation of convicts to the Colonies, ordered that the Council of Trade consider and report how and to what places convicts pardoned on condition of transportation may be best disposed of, or what punishment might be more proper for such convicts in lieu of transportation. *Signed*, John Povey. $\frac{1}{4}$ p. *Endorsed*, Read 3 Dec., 1698. [*Board of Trade.* Plantations General, 4. No. 78; and 34. p. 209.]
- Nov. 25. Kensington. **66.** Order of the King in Council. That, in accordance with the representation of the Council of Trade of 7 October last, a Commission be prepared for Colonel Peter Beckford to be Lieutenant-Governor of Jamaica, to take effect after the death of the Commander-in-Chief for the time being, in whose hands the Commission shall remain. *Copy.* $\frac{1}{2}$ p. *Endorsed*, Recd. 3 Dec., 1697. [*Board of Trade.* Jamaica, 8. No. 76; and 56. pp. 160-161.]
- Nov. 25. Kensington. **67.** Order of the King in Council. Approving the draft Commission and Instructions prepared for Samuel Day as Governor of Bermuda, and ordering them to be prepared for signature. *Copy.* $\frac{1}{2}$ p. [*Board of Trade.* Bermuda, 3. No. 20; and 29 p. 50.]
- Nov. 25. **68.** Another copy of this Order in Council with the draft Commission and instructions attached. $\frac{1}{2}$ p. *Annexed*,
68. i. Draft Commission to Governor Day as Governor of Bermuda. 13 pp.
68. ii. Draft Instructions to Governor Day. 20 pp. [*America and West Indies.* 477. Nos. 55, 55 I., II.]
- Nov. 25. Kensington. **69.** Order of the King in Council. Approving the representation of the Council of Trade of 27 October (*copied at length*) as to the ports of East Jersey, dismissing the petition of the Proprietors of East Jersey, and directing the usual instruction to be given to the Governor of New York to permit no goods to pass

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up the Hudson River but what shall have paid duty at New York. *Copy. 4 pp. Endorsed, Recd. Read 29 Dec., 1697. [Board of Trade. Proprieties, 2. No. 5; and 25. p. 188.]*

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70. Instructions to Ralph Grey as Governor of Barbados, St. Lucia, Dominica, St. Vincent, and the other islands to Windward of Guadeloupe. The names of the Council are Francis Bond, John Hallett, John Gibbes, Edward Cranfield, John Farmer, Richard Salter, George Lillington, George Andrews, John Bromley, William Sharpe, Patrick Mein, Tobias Frere, Burch Heathersall, Michael Terrill, David Ramsay, Richard Scott, Benjamin Cryer, Richard Walter and Thomas Merrick. Laws for an impost on liquors must be for not less than a year, other laws (except for a temporary end) indefinite. The $4\frac{1}{2}$ per cent. duty may be changed for any other equivalent. The case of Ralph Lane is to be examined and justice done to him. The Governor is to grant no land, except in Barbados, without orders. His salary is to be £1,200 a year, paid out of the $4\frac{1}{2}$ per cent. duty. [*Board of Trade. Barbados, 44. pp. 163-188.*]

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71. Minutes of Council and Assembly of Antigua. Message from the Assembly to the Council, asking them to concur in disallowing a charge made by the Secretary for books. The Council and Assembly agreed that 3,820*lbs.* of sugar paid by the late Treasurer, Thomas Fenton, to Sir Nathaniel Johnson, should be charged against his estate. Several claims referred to the Committee of Accounts. Resolved to send home the minutes of this and of the last Assembly to the Council of Trade. [*Board of Trade. Leeward Islands, 64. pp. 442-444.*]

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72. Extract from Governor Nicholson's letter of 13 July, respecting the inability of Admiralty Courts to try breaches of the Acts of Trade and Navigation. $1\frac{1}{2}$ pp.

Inscribed at end, Opinion of the Attorney and Solicitor-General that offences against the Act to regulate the Plantation Trade may, under two clauses of the same, be prosecuted in the Admiralty Courts of the Colonies. Signed, Tho. Trevor. Jo. Hawles. $\frac{1}{2}$ p. The whole endorsed. Read 29 Nov., 1697. [Board of Trade. Maryland, 3. No. 45; and (opinion only), 9. p. 173.]

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73. Charles Story to Council of Trade and Plantations. Since I have laid the state of New Hampshire before you and you have given your orders thereupon, I hope you will so far encourage fidelity as to order my expenses to be paid, amounting to £100, besides a year's loss of time. If you do not grant me your assistance, the burden will be utterly ruinous and obstructive to me. *Signed, Cha. Story. 1 p. Endorsed, Read 29 Nov., 1697. [Board of Trade. New England, 8. No. 130.]*

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74. Gilbert Heathcote to Council of Trade and Plantations. In reply to the papers sent by the Admiralty (*see No. 57 i.*) I offer as follows. First, as regards Captain Reeves's letter, the Deputy-Governor's salary, as he told him, cannot maintain him, so that Sir William Beeston could have no money to lend the Captain out of the profits of the place; but such was his zeal for the King's

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service that he sold all the produce of his plantations and lent all the money to the men-of-war, when the merchants, owing to the bad payment of their bills in England, refused to lend any more. In proof hereof, I send the said bills. Of those that were paid some were by exchequer bills, but the most by tallies on the salt fund which tallies were then sold at 47 *per cent.* Other of his bills are not yet paid, and no payment offered but malt-tickets payable after nine or ten thousand pounds, which if sold will lose him one third of his money. And this he did after he understood the discouragements which the merchants lay under by the payment in England. I hope that, after Sir William Beeston had lent all that he had or could raise out of his estate there, he will rather deserve thanks for his generous service than censure upon an angry Captain's letter. As to the protection of seamen who deserted from the men-of-war, Sir William Beeston in his letter affirms the contrary, but as further proof several persons are come from Jamaica who will satisfy you that runaways were on the contrary taken up and secured. I can even prove to you by three witnesses that any person who concealed a seaman belonging to a man-of-war was prosecuted, and that some were imprisoned. I hope that this also answers Captain Magham's letter, being only a complaint of a want of credit. But whereas he says that Mr. Heathcote would advance no more money, he should have said that he could lend no more money. He had at that time advanced not only all his own money for the men-of-war, but all the Spanish money belonging to me which he had in his hands. Part of it was paid here in salt tallies, but I have yet bills for £5,929 which are not yet paid. Let me add that all this credit was undesired. The offices in England to which these officers belong have never written nor taken any care for it; and, had not the men-of-war met with this voluntary credit, they must have sold their guns and sails. As to the complaint in Admiral Nevill's Journal of the Governors refusing to let the three men-of-war cruise to windward for intelligence, I can only say that (according to my letters from Jamaica) the Admiral was misinformed, for the three Captains made no such offer to cruise. Moreover, every one knows that the Princess Anne is too bad a sailer to go to windward, while the Reserve at that time wanted both masts, careening. Moreover, people come from Jamaica tell me that the people seeing no English fleet appear, after the French had been so long in those parts, were in great fear that the French after an expedition against the Spaniards would turn against Port Royal, and were therefore uneasy as to letting our ships leave port. But if the three men-of-war had been out they could have given Admiral Nevill no fuller notice than he had by a small frigate which he sent to St. Domingo for intelligence, and which told him before he went to Jamaica that the French were gone to Carthagená. Again they met one of our sloops which told them that the French had taken Carthagená and were actually in the harbour. Again they called at the East end of Jamaica and were again told that the French were on the Spanish Coast. But this you can ascertain by perusing the Minutes of the Council of War which, as I am told, was held off Hispaniola. When they came to Jamaica both the

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Governor and people did their utmost for the fleet. It arrived on Sunday morning, and had all its wood and water aboard by Tuesday morning, which, considering from how far both had to be fetched, was very extraordinary. After consideration of these facts, I hope that Sir William Beeston will not lie under your displeasure. *Signed*, Gilbert Heathcote. *Attached*, Particulars of sums furnished to men-of-war in 1696-7, whereof £2,661 by Sir William Beeston, and the remainder by Josiah Heathcote and Company. The total bills drawn amount to £13,128, of which £7,201 has been paid in tallies, etc., and £5,929 remains unpaid. *The whole*, 3 pp. *Endorsed*, Read 29 Nov., 1697. [*Board of Trade. Jamaica*, 8. No. 77; and 56. pp. 153-159.]

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75. Colonel John Gibsone's narrative of the expedition to Newfoundland. On 17 April the squadron under Commodore John Norris sailed from Newfoundland and on the 7th June we made the southernmost point of Conception Bay. A Council of War was then held as to how we should go into St. John's Harbour. My advice was to attack at once, landing 150 men to attack Kitty Vitty, which though a bad landing place was the only one near St. John's, and send the rest of the troops in the lightest vessels to assail the harbour with all possible vigour. Captain Cleasby opposed this, proposing that he should go in himself with a flag of truce, and at last it was resolved that he should go with a pinnace but without a flag of truce, to discover what he could. Meanwhile the fleet plied southward towards St. Johns, and Captain Cleasby learning from one of our fishing boats at the harbour's mouth that no enemy was there, the squadron sailed into the harbour. We found there two or three of our merchant ships and a few inhabitants, but all the houses and stages destroyed. On 10 June my regiment was landed and in a few days huddled themselves, after which we began to cut fascines, continuing this until the 27th, when the store-ships came in, and we began to fortify the harbour's mouth by a battery on each side, and by erecting a fort on a hill on the north side. We found much difficulty owing to the vast rocks we were obliged to remove. A few days after our arrival it was agreed at a consultation that the squadron should put to sea for the security of the ships expected from England and Portugal. On this cruise they took a French provision-ship, and from letters and prisoners taken in here they learned that Mons. Nesmond was to follow them with a large squadron from France. It was therefore agreed at a council of war on 22 June that the squadron should remain in port until the rest of the men-of-war should arrive from England. On the 27 June the store-ships and provision ship came in with only three months' provisions for 340 men of my regiment. Fearing that we should fall short of provisions I shewed the Commodore my instructions and asked him to send a frigate to New England, at the same time saying that it would be necessary to take provisions from the merchant-ships. He answered that he would send no frigates to New England, as it was against his instructions, and we should have a sooner return by sending to Old England. He also refused a convoy to the captain of the provision-ship, when he offered to go to New England for provisions. As to taking

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provisions from the merchant-ships he said that it was none of my business, and it was not till the 2nd of August that he sent me a message to say that I might take the provisions from the merchant-ships if I pleased. I had before this acquainted him of the arrival of a ship in Conception Bay with a large cargo of provisions, but to no purpose, so that at last I was obliged to seize provisions wherever I could get them, though with much difficulty, and the more so since several of the officers, particularly Captain Cleasby, had spread it abroad that I had nothing to do there but to command my own regiment. On 28 June it was resolved in a Council of War that the squadron should go to sea for three weeks, looking in at some of the ports, particularly Trepassy, Renouse, Fermouse and Ferryland, which had formerly been English, but a few days after going out Captain Roffey of H.M.S. Guernsey took a considerable prize, which made a great noise at their return. It was alleged that Captain Roffey had endangered his ship in taking her, and I was told that for some time he was in confinement; but how they accommodated this is best known to themselves. The prize was on her way to Canada and had been under convoy of Mons. Nesmond who, by the prisoners' accounts, was not fifteen leagues distant. Our squadron thereupon returned to harbour on 11 July, after but nine days' cruise. We heard of five ships to southward, which we conjectured to be Nesmond's, and at last they came before St. Johns, where they plied for two days in a great fog, and after that anchored in Conception Bay. Then we were told that it was part of Pointis's squadron from the West Indies; and after four councils of war and examination of prisoners, there came intelligence that another French man-of-war had appeared off Petty Harbour within three leagues of St. Johns. Since we had reason to believe that Nesmond's squadron was also off the coast, I was against our squadron's going out, and this has caused some reflection upon me here, as though I and my officers were the only ones that had given this advice. I therefore give the results of the Councils of War aforesaid. 22 July. Resolved unanimously that, since we have reason to apprehend an attack by sea and land, the land-forces be embarked, and that the people at Kitty Vitty and Petty Harbour leave their fishing and come to St. Johns. 24 July. Resolved unanimously that since there is every reason to believe Mons. Nesmond's squadron to be in the offing and to be much stronger than ours, the squadron shall continue in St. Johns, sending out a frigate to gain intelligence. 25 July. Resolved unanimously that since our latest intelligence points to the presence of Pointis's squadron as well as perhaps of Nesmond's on the coast, this squadron remain in St. John's harbour. 28 July. Resolved, on further intelligence confirming the presence of Pointis's squadron and in consideration that Mons. Nesmond's squadron is probably near the coast, that the squadron shall not sail in pursuit of them in view of the risk of separating the land and sea-forces, but remain at St. Johns for the security of the whole. These are the four Councils of War; and to the best of my recollection but three of the sea-captains besides the Commodore were for the squadrons going out. [*The names of the officers present are given, the greatest number of naval officers present*

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at any meeting being thirteen and of military officers also thirteen. Commodore Norris was president.] Besides the presence of Pointis we had intelligence that Nesmond was actually arrived, and we could not tell that they were not in communication. Pointis had not long left Conception Bay when Nesmond appeared before St. Johns with his whole squadron on 18 August. At his first appearance we doubted not that he would attack us. Commodore Norris laid all his men-of-war in line thwart the harbour, with their broad-sides to the harbour's mouth, and got a third cable without the other two thwart the harbour's mouth. Meanwhile I got 250 of my regiment to the south side of the harbour, and 100 to the North side for defence of the batteries and securing of the cables, and left the rest at King William's fort which was not then far advanced. Nesmond plied up and down a whole day and at last sent two ships, one apparently a fifty-gun ship and the other a bomb-vessel. They stood in very close to the harbour's mouth (I presume to discover our posture), when the Commodore ordered a bomb to be thrown from one of the bomb-ships, upon which they immediately returned to the squadron, which continued plying as before. That whole day and the whole night following we continued in the same posture. Next day they appeared no more, and I think that if they had attacked the harbour they would have met with a very hot reception; indeed, I looked upon it as impracticable, with the land and sea-forces thus joined. But if our squadron had been at sea in pursuit of Pointis, and Nesmond had then come down, I cannot tell what would have happened to our squadron at sea, and far less what would have become of the land forces in the harbour.

I have mentioned before that on the 2nd of August the Commodore sent me a message that I might visit all merchant ships and take what provisions I thought fit. I accordingly visited a French prize belonging to Captain Elton, and found in her 5,388*lb.* of bread, and 1,312*lb.* of pork, besides beans and oil, though Elton swore at the time that he had only 1,500*lb.* of bread on board. What threatenings I met with from Captain Elton herein and what trouble I had in seizing other provisions, I shall not mention. The quantity I had seized before 1 October was so small that I was apprehensive that the forces to be left in Newfoundland would be in a miserable condition, and those returning home little better. I was obliged to think of a means for sending to New England, and to this end to buy a small prize for £180, for which Commodore Norris gave me credit, and despatch her with my letters and credentials, giving the Lieutenant-Governor at the same time an account of the circumstances and of the provisions that I required. She sailed on 30 September, but by God's Providence a provision ship from Ireland came in on 3 October, whose whole cargo I bought and thus made it easy both for the troops remaining and returning. I left St. Johns fortified as follows: one redoubt of nine guns on the south side, one of five guns on the north side, both complete, and a fort within the harbour unfinished but in a good posture of defence. For garrison I left the major of my regiment, Thomas Handasyd, in command

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with ten officers and 252 non-commissioned officers and men, besides thirty-six of the train of artillery. I also left thirty-seven sick men of my regiment, who were too ill to be carried on board the hospital-ship. I left with Major Handasyd instructions [*given in full*] as to the completion of the works, guards, alarm-signals and dispositions in case of an attack.

My letter to the Lieutenant-Governor was as follows : St. Johns, 28 September, 1697. No doubt you will be surprised to receive this so late in the year, but I am sure that you and the gentlemen with you, when you hear of the condition of myself and my soldiers, will pity us, particularly those who must stay here all the winter who must speedily perish without your assistance. As soon as we approached this country I asked the Commodore for a small frigate to carry you the enclosed, shewing him the King's letter to you and my instructions to apply to you for provisions. Yet he refused ; nor was it until the 2nd of August, in spite of my applications, that he sent me word that I might visit the merchant ships and secure what provisions I saw fit. I answered that it was too late. Little provisions have come into this country, and the fleet is preparing to return to England in eight or ten days. I had designed to stay here with my whole regiment, but provisions are so scarce that I shall be obliged to return to England leaving about 270 men and 20 women behind me, so ill-furnished with provisions that they must speedily perish without your assistance. You and your Government are our last and only refuge, for at this late season I can expect no relief from England, and I can only leave the forces here ten weeks' provisions on half allowance. I do not doubt that you will seriously consider my request. I enclose a proportion of provisions which will be absolutely necessary, which I beg may be despatched with all haste by the ship that bears this. The Commander and two passengers can give you an account of the condition of Newfoundland, which I believe will induce many to send provisions here. If you could send a convoy or ship of force with them it would be of great consequence. I must rely on you to employ persons of integrity to manage this affair both as to quantity and quality. Do not impute my freedom in thus informing you of our extremity to want of respect. *Letter ends.*

Second letter to the Lieutenant-Governor of New England. St. Johns, 7 October, 1697. In view of the extreme urgency of the case I have left Major Handasyd in command of the garrison here, and have given him duplicates of my former letter and enclosures to be sent by two different ships. I have no doubt of your compliance with my request. *Letter ends.*

Here follow, a proportion of provisions, shoes and stockings for 290 men for 120 days.

An account of the provisions taken out of the merchant-ships, with the prices, and of the provisions left at St. Johns.

I was obliged to take up one of the transport ships for better securing the provisions. The original hospital ship was discharged in July, and a transport taken up in her place. *Signed*, J. Gibsone. *The whole*, 19 pp. [*Board of Trade*. Newfoundland, 3. No. 90 ; and 25. pp. 132-167.]

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[Nov. 29.] 76. A Collection of Papers relating to pirates and other matters in Pennsylvania.

76. i. Robert Quarry to William Penn. London [*blanks for dates unfilled*], 1697. I was extremely surprised when I came from England to hear that Governor Markham of Pennsylvania has been so highly charged for the entertainment of Captain Day. I am sure that if the Lords Justices or Council of Trade were rightly informed of the true state of the business they could find no cause to blame him. I happened to be in Philadelphia at the time, and knew all the circumstances. I presume you have had the relation of it from several hands, so I hold myself obliged to give you in as few words as possible the true state of the thing. This Captain Day went with his ship and cargo to South Carolina and there sold both and bought a brigantine under pretence of carrying part of the lading and effects home; so he had his clearing from the Government and gave bond and security to the Naval Officer for landing his enumerated commodities in England, as the law requires. With this clearing he came to Pennsylvania and wanted not colourable pretences enough; but his having more than the ordinary number of men made some people jealous that he designed some other voyage. However, this was but jealousy. It is true that Mr. Jones told the Governor that he believed Day had some ill-design, by his having sold his owner's ship and goods in Carolina. The Governor answered that he had brought his clearing from thence, and that there was no information against him, but that, on his complaint, he would seize him provided that Jones would give security to indemnify him, which Jones refused to do. Some time after this, a French privateer on the coast took several vessels coming out of New York, and among them one of great value belonging to Philadelphia. The privateer came to the Capes of Delaware and lay there for some time, which put the country into great consternation not only for fear of their shipping, but being apprehensive lest the privateers should land, being distressed for provisions. At the height of this consternation the Governor called at my house, and told me he was concerned how to manage himself in this affair. I took the freedom to advise him thus. Sir (I said) this thing could not have happened at a better time, for here is Captain Day who has a gang of brisk fellows. Add thirty or forty to them from the lower counties, and give Day a commission to command them. By keeping a good look out he may ambuscade the French if they land, and cut them off before they can recover their boats. The Governor thereupon said that he highly approved my advice, that Day had been with him and had offered his services to go out and fight

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the French, though they were of more than twice his strength, if he could have more men, and had further promised to do this without putting the country to a heavy charge. I told the Governor that I thought this a brave and generous offer, and that he would be to blame if he did not accept it. Two days after this I went to Maryland, so I do not know if the Governor gave Day his commission, but I was informed that Day went out to sea and returned again. I know nothing of the particulars of his being seized by the forces from Maryland, but I am very well informed that Day went straight to Curaçoa, where he sold his brigantine, and went thence directly to Holland, where he now is. This is the truth of the matter, and I am ready to give this account to any person concerned, as an act of justice to you. *Signed*, Robt. Quarry. $3\frac{1}{4}$ pp. *Endorsed*, Delivered by Mr. Penn to the Secretary, Nov., 1697.

76. II. Commission of Governor Nicholson to Captain Josiah Daniell and others of H.M.S. Prince of Orange to arrest certain privateers in Pennsylvania. 13 October, 1696. *Copy*. 1 p.
76. III. Captain Daniel's order to two of his officers to seize a privateer-ship at Newcastle, Delaware River. *Copy*. $\frac{1}{2}$ p.
76. IV. Peter Alricks and John Donaldson to Governor Markham. Newcastle, 18 October, 1696. A strange invasion happened in this town yesterday. The Governor of Maryland sent over sixty men in a hostile manner to invade our liberty, and to seize Captain Day and his ship without acquainting a man in this place. All the men that they met in the road they took prisoners, and I myself, having just gone into a house, was taken for one of Captain Day's men, till I forced myself away and went to the end of the wharf to know what was the meaning of so many armed men, and who commanded them. They said they had the King's commission, which I have not yet seen. If you will suffer this gross affront from the Governor of Maryland I shall hold my hand upon my mouth and say no more. The bearers hereof will give you an account of everything. Captain Day's brigantine is under our guns, her sails in our custody, and men on board to secure her from being carried to Maryland, which had been done if I had not ordered Captain Day to move up before this town. P.S.—The reports that Day has been keeping men servants and man-of-war's men are all false. 2 pp.
76. V. A list of names of persons who can give information about pirates in Maryland. $\frac{1}{4}$ p. *Endorsed*, Delivered to the Secretary by Mr. Penn, Nov., 1697.
76. VI. Governor Markham to Captain Daniel, Philadelphia, 20 Oct., 1696. Your project for getting men to serve the King I approve, but the management I cannot

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commend. Sixty armed men marching into a town with colours flying, stopping all the inhabitants on the road and putting the whole country into consternation was a most irrational achievement, to say nothing of the abuse to the Government. I am well known to be zealous for the King's service, and had you warned me of your design you should have witnessed it. If any friend break into my house to do me service and I know not his intent, I will treat him accordingly; if he knock at the door I will treat him friendly. However, if any men are to be got, you shall shortly hear; and if any design be again on foot in which I can assist, let me know it beforehand, and you shall not want my assistance. *Copy.*

76. VII. Captain Josiah Daniell to Governor Markham. H.M. hired ship Prince of Orange. Patuxon River, 9 March, 1696-7. Last night three men ran away with the barge belonging to this ship, with two sails and eight oars. I suppose they are gone for your province. The worst sailors know how ready you are to entertain and protect all deserters, to the great prejudice of the King's service and to trade (except to your own quaking subjects who never did the King and kingdom any service) so that I beg you once more to give yourself a little trouble on his Majesty's account and cause strict enquiry to be made, that these deserters may be brought to punishment for a terror to others. It is ruin for any ships to lade here so long as they have such encouragement to run to your parts, whence they are allowed to go "Trampuseing" [? Trompeuseing, i.e. on piratical voyages] where they please. I read in last July's Gazette a proclamation to apprehend Captain Every and his crew, and hear that some of them are in your province. All Governors and Commanders are commanded to use their utmost efforts to apprehend them. I am certainly informed that the deserters from my ship appeared daily in public and offered their services to several masters in Philadelphia. I wonder that you prefer to gratify them rather than have regard to the King's service. I have received your letter by Colonel Quarry. I return you hearty thanks for my entertainment, which was better than I deserved. If you fall in my way I will endeavour to treat you as well as I am capable, but still have a regard to the King's service. *Copy. 1 p.*
76. VIII. Governor Markham to Captain Daniell. Philadelphia, 30 March, 1697. Yours of the 9th inst. is so indecent that it seems rather penned in the cook-room than the Great Cabin; but I take it as one of your inconsiderate actions and place it to your accustomed conversation. I shall take care to secure your men, if found within this Government, and do all things else for the King's service notwithstanding your vilifying of us.

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It is a great way from your ship to the province, no less than the whole length of Maryland. How comes it that they pass so quietly through that province without any notice taken by you, though upon a mere surmise you vilify our inhabitants. I know not what you mean by "trampuseing," unless you aimed at French to show your breeding, which you have ill set forth in your mother tongue. I belonged for many years to men-of-war, and then it was our custom, when we thought any men would run from us, not to leave the oars and sails in the boat but to keep a good watch, and often to hang our boats in the tackles. I hope I shall not fall in your way, lest my treatment be such as I find in your letter. I wish you a good voyage and a better temper. *Copy. 1 p.*

76. ix. James Clapoole to Governor Markham. Newcastle, 24 Feb., 1696-7. I received the enclosed from Sir Edmund Andros when I left home. I had not intended to be long absent, but was detained in Virginia by the severity of the weather until a few days since. The case of the men of H.M.S. Prince of Orange coming here to seize Day is very strangely represented in Maryland, and many affidavits have been taken against this Government, which to the best of my knowledge are absolutely false. The Governor is so incensed about it that he resolves to complain at home. The Governor of Virginia seemed to think it not proper to send armed men into another Government, without first acquainting the Governor of the same, on any pretence whatever. Mr. Coutts tells me he has obtained a permit from the Governor of Maryland to transport tobacco hence, provided he gives bond there that it shall go thence directly to England. He accordingly desired a permit from me, but I have refused to meddle therein without your order. The latest news from London is that money is so scarce and trade so dull that they only sat still to admire the deadness thereof. Sugar is fallen from 65 to 30 *per cent.* The hope of the nation was the Parliament which was to sit in December, and find out a remedy. Nothing done last campaign. Great discourse of peace, yet continued preparations for war. In November two ships brought a report of a plot to burn the fleet. I know not what truth is in it. *2 pp.*
76. x. Petition of Samuel Carpenter and others to Governor Nicholson. Protesting against the 10 *per cent.* duty levied in Maryland on English goods landed there for Pennsylvania as an infringement of Pennsylvania's rights and of common usage in the Colonies, and requesting that it be not enforced. *Copy. 1½ pp.*
76. xi. George Plater and William Dent to Governor Nicholson. On the petition of Samuel Carter and other merchants of Pennsylvania we report as follows. (1) The merchants recite Penn's charter from King

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Charles II., but this gives no authority to Pennsylvania merchants to transport goods through this province or into this province without paying the dues imposed by law. The patent may give liberty to pass to and from any water leading to or from the country, but that does not mean the transport of goods through a country or into it without paying the duties imposed by law of that country. (2) The merchants set forth that hitherto they have enjoyed the free use of waters, etc., as the King's highway. We do not deny that many goods have so passed through without paying duty, but mere use does not create a right that shall continue for ever, nor is the said use lawful, for it is claimed without any limitations whatever, which is allowed to no one. (3) The merchants propose to unload the goods and carry them by water without putting them ashore, so that the Government shall be put to no charge. That does not answer the purpose of the law, but shows the facility of doing what the law is designed to prevent, *viz.*, the buying up and removal of great quantities of English produce which were bought for Maryland, and returning rum, sugar and molasses, which English merchants could supply quite as well, and that for the produce of Maryland, without taking any English goods and the best and weightiest of the money. (4) As to the reason of the law, we conceive that it is not for us to give, but surely it is reasonable for a country to find the best means to check a trade which it judges prejudicial to itself. (5) As to the legality of the law, Lord Baltimore's patent was granted long before Mr. Penn's, and gives him power to levy such duties. Meanwhile since we do not know that the King has disallowed this law, we conceive that it should be enforced. *Copy. 2½ pp.*

76. XII. Governor Markham to William Penn. 13 Feb., 1696-7. Our town has had a great loss through the capture of a sloop off Barnygate by a French privateer. She was reckoned worth £9,000. This privateer met a Dutch one in the gulf with a British sloop from Jamaica. The privateers fought till night, but next day the sloop mistook the French privateer for the Dutch and was taken. The French kept one of her crew to pilot them on this coast. They had an Englishman by name Cross on board, who had been tried for piracy at Carolina and acquitted, but they would not trust him to be true to them as he had been a rogue to his own country. On reaching this coast she kept standing on and off between our Capes, causing great alarm. She was in great want of provisions, and Cross advised the Captain to send his men ashore to plunder (for he knew all the country well) but the Captain having no confidence in Cross resolved to make that his last shift. Meanwhile they took a ship bound from New York hither, which though

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a good prize did not feed their hungry bellies, but getting intelligence of three provision-ships sailing from Staten Island, and sending out a captured sloop to intercept them, they took one of them and sailed away in her, abandoning their sloop. Meanwhile the privateer remained in sight from the Capes for some ten days. One Captain Day who had a brigantine with 60 or 70 men offered the people at Newcastle that if they would give him thirty more men and provisions he would go down to the Capes and cruise there for twelve days, not doubting to outsail the privateer if he could engage her. The people seemed to favour this; and to encourage Day I gave him a commission. Governor Nicholson, on hearing that such a vessel as Day's was in this river set Captain Daniell (who is an easy good-natured man) upon a project of getting Day's men. I have told you that there was suspicion of him in some quarters that he had conspired with Governor Nicholson and others to subvert your Government; but this I never believed. In short had it not been for Major Donaldson there would have been bloodshed, but he managed to disarm the sixty seamen that came with their officers, and kept them in confinement until he could discharge them safely. Some of the men took the opportunity to desert, which much disturbed Captain Daniell. About the middle of October Commodore Wager came to Newcastle and brought Daniell with him. Major Donaldson waited on them, and Daniell could not forbear taking notice of that action to Donaldson, though checked by Wager. While they were at Philadelphia I got as much of their company as I conveniently could, and found Daniell to be such as I said, but he could not forbear reflecting as if we harboured their runaway seamen, until Wager checked him sharply, when we heard no more from him. At his going he gave me the names of the men who had gone from him, and I promised to have them taken if they were discovered. I hear that Governor Nicholson alleges that I got great matters by Day's commission, but I solemnly declare that I had not the value of a farthing for it, and gave it only in view of the common danger. I hear that Day sailed mate of a ship from Bristol. The master dying, he took command and brought her into Carolina, where he had her condemned as insufficient, sold many of the goods and purchased a brigantine of one Captain Risby, with whom he left the rest of the cargo, but in such a manner that neither Day nor the owners can get it out of his hands. I was concerned to hear it for the city of Bristol's sake, which I look on as my native country, and consulted how to secure Day and his vessel. We might easily have secured him, but unless we secured the men and the ship also, it might have raised a tempest, for the men would either have plundered the ship, or

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rescued him or elected another captain; therefore it was unadvisable. *Signed*, Wm. Markham. 5½ pp.

76. xiii. Governor Markham to William Penn. Philadelphia, 22 February, 1696-7. Mr. Clark informs me that the Marylanders continue to encroach on us. I wish it were seasonable to dispute the bounds. I have heard from Major Donaldson that he had prepared an account of the men that came from Maryland armed, but had heard that Governor Nicholson had drawn up something against him and was waiting to obtain a copy of it. I had advice at the same time that Governor Nicholson had drawn up an information against this province for enticing away and harbouring men belonging to ships in Maryland and had sent it to the magistrates of Cecil County to sign. They refused to do so, knowing nothing of it, upon which he summoned them to Annapolis, and he has taken some course with the grand jury of the same county on the same account. He and his wise secretary, Sir Thomas Laurence, are a brace of pure informers, but have forgotten to inform how we entertain the inhabitants that leave Maryland to live in this province, where men are protected by laws and not put in fear of caning or cudgelling. This has been the occasion of several of their people seating among us, and at this time more are coming of the first rank. ¾ p.

76. xiv. Extracts from letters from Governor Markham to William Penn, to 24 April, 1697. I understand from yours what a rattle Randolph has made in England, and how he thinks no indigent man fit for a Government. Indigency might be well applied to himself. I know none of the King's Governors that come to America to sell fashions or to learn breeding or the language. It is the wrong end of the world for it. I confess that I have been a slave to this province many years and never saw a penny of their money. I have done my utmost to prevent false trading either by Scotch or English. As to what he says of Da. Lloyd's refusing to plead for the King, he knows that in the case of the vessel he seized here, Lloyd pleaded his information. As to privateers, when Governor Fletcher was Governor here several men came both to New York and to this place, which went by the name of privateers. They might be pirates for anything I know to the contrary. Governor Fletcher fleeced them at New York and also here, not by any violence but by blind signs which made them make up a purse of gold for him. One crew came into New York and gave him their ship, which he sold for £800. He gave protections to the seamen both here and at New York, for which his clerk got something. Some of these men gave me a small present, and one of them dying left me £50, but if

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they are pirates or were ever accused as such I never saw nor heard of it. Some of them have houses of their own and families in Philadelphia. . . .

I have written at large about Captain Day. My one care was to secure the river, and I say in the presence of God that I had nothing for it, and did it in no hope of reward. Day went from hence to Curaçoa where he sold his brigantine, and went thence to Holland. . . .

No man living is without fault, but no man is readier to own his faults than I. But whoever is to be judged by success, as is too often done, may be much wronged. The Assembly sits on the 10th prox. I doubt not to explain all to your satisfaction if the Council of Trade will suspend judgment until then. I wish that anyone acquainted with Randolph, huffing and bouncing, had but seen him when I called him to account for his affronts here. They would have seen him truckle, and as humble as any spaniel-dog, but no sooner was he out of the town than he fell to reviling me after his base manner. I would have been after him and taught him what wood my cudgel was made of. I must confess that I am unsettled at the rascal's reports. 2 pp.

76. xv. William Markham to William Penn. Philadelphia, 1 May, 1697. I perceive by your last letter that you are much displeased with me. You charge me with what I was accounted rather opposite to—you charge me with avarice, and I cannot take it to be less than a suspicion of my honesty. I have had as many opportunities to have bettered my fortune since I have been here as those that have made use of them, but I have always been governed by such principles of religion and honour that I fear will always subject me to the character that Randolph gives of me. I have served you faithfully, but desire not to be a burden. I have trusted Providence hitherto, and though it may be hard with me, being a cripple, I cannot beg alms even at the door of them I spent my strength for. I have sent you a bow and arrows such as the Indians in the West Indian Islands use. If you do not care for such things yourself, you might oblige an antiquary with them. I am not sure whether Day went to Holland as master of his brigantine or not. 1 p.

76. xvi. William Markham to William Penn. Philadelphia, 1 March, 1696-7. James Clapoole gives me such an account of Governor Nicholson's malice and envy against this Government that I must enlarge upon him. I have always treated him with all possible respect, and he has returned it as endearing as a man could do. I cannot imagine what has possessed him to drive him into such a rage without the least notice or friendly advice to me. It is admirable to be caressed with all

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the shows of familiarity and suddenly without warning changed to an inveterate enemy, and to have prejudiced men hunted up to swear affidavits against me. But this is not the only Government he vents against. Not one on the Continent escapes him, but he thinks he can deal best with this and hopes to have it added to Maryland. He has long tried to grasp it, whether from avarice or enmity others must judge. His late actions have recalled to me his behaviour in this town. He embraced me with a kiss, and on a ride through the country would call at poor people's houses and enquire after miscarriages in the Government, and what the poor ignorant people could say he put down in his memorandum book. Who can escape complaints when there are such diligent informers. The minister of the Bishop of London, who was dismissed by his congregation, told me that there were several in this town who had a cabal against me. I asked if they were poor or rich, as I should be glad for the rich to begin, and he said that it was some of the chief, and their motive was my countenancing the Quakers as I did. He promised to let me know shortly who they were; but I have no doubt that it was by instigation of Governor Nicholson. He himself said to me that a rising against the Pennsylvanian Government would not be treason, nor would the King be at the charge of quelling it for him, intimating that rebellion was the way to bring the province under the King's government. If he said so much to me, what would he say to those not dependent on you? I conclude that some have promises of employment from him, who, with others that will never be satisfied with any government—some of whom are shrouded here under the name of Quakers—may soon rise to such a height as to endanger the Government. They shall be narrowly looked after and severely dealt with while I am here.

Mr. Coutts, whose ship is in Maryland, wants 50 hogsheads of tobacco to fill her, and several other ships there are in the same condition, and no tobacco to be got there. There is some in this river that the owners want rent for, and it is but seven miles to cart to Maryland; and though I am confident that it would be for the King's interest to let it pass, I dread being tricked, having seen neither original nor copy of any permit from Governor Nicholson. When I do I shall consider further of it. Please discourse the Commissioners of Customs concerning the transport of tobacco overland to Maryland, bond being given that it shall go from thence to England. I am satisfied that it will be for the King's interest. 3½ pp.

76. xvii. Richard Halliwell and two more merchants of Pennsylvania to Governor Markham. Newcastle, 24 Feb., 1696-7. Stating that they have a permit from

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the Governor of Maryland to bring tobacco to be loaded there from Pennsylvania, and giving bond that it shall be carried from thence to England; and asking his permission to take advantage of it. $\frac{1}{2}$ p. *Copy*.

76. xviii. Governor Markham to Richard Halliwell and others. Philadelphia, 26 February, 1696-7. I would gladly serve you to the utmost where I may justly do so; but the law is positively against the request of your letter of 24th and I have no power as a Governor to dispense with an Act of Parliament. *Copy*. $\frac{1}{2}$ p.

76. xix. Extract from the Minutes of Council of Pennsylvania, 19 November, 1696. Resolved that the Governor write to Governor Fletcher to acquaint him that a law has been passed this session for raising £300, Pennsylvania money, for presents to the Five Nations, and to request particularly that the Indians be informed that this present comes from Pennsylvania in compliance with the Queen's order for a contribution to the defence of New York; that the Indians be further informed that the Pennsylvanians are their friends and will be ready to give them every assistance as much as in them lies and their religious persuasion will permit; and that the fact may be so represented to the King. *Copy*. 1 p.

76. xx. Copy of a letter from Governor Fletcher to Governor Markham. Albany, 28 November, 1696. Acknowledging the receipt of the foregoing minute and assuring him, with thanks, that his wishes shall be complied with. $\frac{1}{2}$ p. *Endorsement of the whole*. Some of these papers received from Mr. Penn on 2 Nov., 1697, others later. [*Board of Trade*. Proprieties, 2. No. 61-xx.]

Nov. 29. 77. Journal of Council of Trade and Plantations. Draft Circular for transmission of the Treaty of Peace read and approved.

The Answer of the Attorney and Solicitor-General as to offences against the Acts of Trade was read (No. 72), and it was ordered that the same be communicated to Governor Nicholson.

Colonel Gibsone presented to the Board a narrative of his proceedings (No. 75).

Mr. Gilbert Heathcote presented a memorial in defence of Sir William Beeston (No. 74), bringing witnesses to testify to his statements. Order for a letter to be prepared to the Duke of Shrewsbury on the subject.

Mr. Story appeared and again asked for consideration for his trouble and expense (No. 73). The Council expressing surprise that he had not returned to New Hampshire, he said that he had been unable to obtain a passage, and that he had entrusted the letters committed to him to the fleet that sailed with Lord Bellomont.

Dec. 1. Mr. Walrond's letter to Lord Bridgewater of 11 September last was read.

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 Petition of Sir Peter Colleton's executors read (No. 81). Order for Mr. Eyles to attend on Friday next, and that letters be prepared to express the Board's opinion on the matter.
- Dec. 3. Several Orders in Council of 25th ult. about matters in various Colonies read.
 Mr. Francis Eyles attending declared that he esteemed Colonel Colleton a fair man, but had no instructions upon the controversy now laid before him. [*Board of Trade. Journal*, 10. pp. 357-362.]
- Nov. 30. **78.** Circular letter from William Popple to the Governors of all the Colonies. Forwarding them copies of the Treaty of Peace of Ryswick. [*Board of Trade. Plantations General*, 34. pp. 208-209.]
 Whitehall.
- Dec. 1. **79.** Clerk of the House of Burgesses of Virginia to Council of Trade and Plantations. Forwarding the journal of the House of Burgesses on their meeting upon an adjournment to 21 October last. Signed, Peter Beverley. $\frac{1}{4}$ p. *Endorsed*, Read 2 Aug., 1698.
 Virginia. A duplicate of the same addressed to the Duke of Shrewsbury. *Endorsed*, Read 5 Aug., 1698. [*Board of Trade. Virginia*, 6. Nos. 34, 35.]
- Dec. 1. **80.** Minutes of Council of Jamaica. On the death of Stephen Towse, Thomas Nicholls was reinstated as Clerk of Council pending signification of the King's pleasure. Orders for sundry payments. The accounts of the King's revenue for 1697 were brought up after audit, and entered in the Council book. *Here follow the accounts.* [*Board of Trade. Jamaica*, 79. pp. 24-28.]
- [Dec. 1.] **81.** Petition of Katherine Richardson, wife of Robert Richardson, and William Thornburgh, to Council of Trade and Plantations. Since the death of the late Sir Peter Colleton [whose executors we are] his brother James Colleton has kept possession of his estate in Barbados. Recently James Colleton has been made judge of the precinct wherein the estate is situated, in spite of our protest, enclosed, so that we can obtain no redress in law. We beg your instructions to the new Governor that James Colleton be discontinued being judge of that precinct. 1 p. *Endorsed*, Read 1 Dec., 1697. *Enclosed*,
 81. i. Petition of William Sharpe and others to the President and Council of Barbados. Praying on behalf of Katherine Richardson and William Thornburgh that a disinterested person may be appointed Chief Judge of that precinct aforesaid in lieu of James Colleton, for the reasons set forth above. *Copy.* 1 p. [*Board of Trade. Barbados*, 7. Nos. 54, 54 i.; and 44. pp. 113-115.]
- Dec. 2. **82.** John Nelson to Council of Trade and Plantations. Some time before I left England for this place I laid before you a memorial relating to the 8th article of the peace lately concluded, which as you did then approve of, so likewise you ordered me to send you any further information that might come to my knowledge, being in France. I have not been wanting to sound their intentions here, and am thereby the more confirmed of the necessity of maintaining our rights, and having them especially inserted by
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articles conformable to my memorial aforesaid. But I have now to add that the French will endeavour, and will instruct their Commissioners accordingly, to extend their limits to the river Kennebec, designing to make that the boundary between us and them on the eastern parts of New England, under the plausible pretence that, that river being most noted and of the largest extent of any in those parts crossing through the land almost to the great river of Canada, they thereby shall be able to withhold their Indians under such a noted boundary from any further excursions upon us on the western side. I must now explain the nature, consequence and value of such a concession, which in time to come may be as fatal and irreparable unto the interest of the Crown and the prosperity of those countries as the late surrender of Nova Scotia (by Treaty of Breda) has proved. First, I cannot see any further security concerning the Indians; but on the contrary those of that river, being now our greatest enemies, will rather be encouraged than otherwise, seeing their country delivered up to the French, which those barbarous nations will rather interpret to be from want of power to keep than any voluntary resignation. So we shall thereby become the object of their scorn and contempt, which will sooner encourage than restrain them in their insolences and enterprises upon us; whereas, if the French will *bona fide* endeavour to maintain and promote the public peace and tranquillity, nothing is easier than to restrain them under the limits by which they were formerly bounded. This is the river St. George, about five leagues to eastward of Pemaquid, which was always the ancient boundary in my uncle's, Sir Thomas Temple's, patent, and further than which they have no manner of pretence nor claim. But the consequence to us in the contrary will be of utmost moment, as, first, we shall deprive ourselves of four or five of our best fishing islands and harbours. Secondly, the river, being of much longer extent than Piscataqua, will be a perpetual supply of masts, timber, deal-boards etc., when the other will fail, many parts of it being almost exhausted by the continual exportation that has been made. Thirdly, the goodness of the land and its convenient situation render it advantageous to be re-established, by which and by prudent management I do not hold it impossible to regain them to their ancient amity with us. It will manifestly be their interest so to do by reason of their being among us, and that we can and always do supply them cheaper and give them better prices for their peltry than the French. For it was not through hatred to us that they became our enemies, but by the mismanagement of some among us, of which the French took advantage to insinuate and influence them to break out into a war, as at present. I say that notwithstanding all this they are to be regained, being a people that love and study their own interest as much as others. As to our fishery on the coast of Cape Sable, I find that the French will obstruct us if they can, and that nothing but a vigorous assertion of our uninterrupted right and custom (ever since those countries have been inhabited) will preserve us; but I shall say no more on this subject, having said what is requisite in my former memorial. I hope to be in London three weeks hence, and shall always be ready to obey your commands in anything serviceable to the public interest.

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Signed, Jo. Nelson. 4 pp. *Endorsed*, Recd. Read 29 Dec., 1697. [*Board of Trade*. Plantations General, 4. No. 79; and 34. pp. 214-218.]

Dec. 2.

83. Minutes of Council of Maryland. The weather was so severe that only two members besides the Governor were present. Order for an envoy to be sent to the Mattawoman Indians, in the hope of obtaining information from them as to the late murder. The militia-officers of Anne Arundel County appeared and received their orders as to raising the forty-five men required and for setting their arms in order. William Bateman received the offer of the post of public drummer in the room of John Newton, displaced for negligence.

Dec. 3.

Certificate of a brig being built in Maryland granted. The Justices of Talbot County were called upon further to explain the neglect of the County records. George Muschamp's report that he had found nothing concerning John Coode in Robert Mason's house, except his accounts, read, together with a second order for searching Mason's house and a second report of the result. Proclamation issued forbidding the exportation of powder and ball. Order for the field-officers to be warned to raise the men required in their counties without delay. [*Board of Trade*. Maryland, 13. pp. 388-395.]

Dec. 4.

84. Minutes of Council of Massachusetts. Order for payment of £50 to three captives lately escaped from the Indians as a reward for their service against them, of £10 to Colonel John Pyncheon for his extraordinary service with his regiment on the frontier, of £30 to Ephraim Savage, one of the Commissioners for passing debentures, of £15 to a wounded soldier, and of £6 to Samuel Gookin for his attendance on Sir William Phips in two journeys in 1692. Leave granted to Richard Honnewell to erect a house in Boston. [*Board of Trade*. New England, 49. pp. 127-129.]

[Dec. 6.]

85. Memorial of Colonel John Gibsone to Council of Trade and Plantations. I reported to you in my narrative that I had been obliged to take provisions from the merchant ships in Newfoundland, for which purpose I was obliged to draw bills to the amount of £1,424. These bills will fall due in a fortnight, and I beg that you will enable me to meet them. The owners of some of the ships have applied to me to know how they shall be satisfied, and I have referred them to you. I beg that you will hear me and them together, that I may clear myself of the aspersions cast on me during my absence, which I am told have been common discourse not only in the coffee-houses but even upon the Royal Exchange. *Signed*, J. Gibsone. 1 p. *Endorsed*, Read 6 Dec., 1697. [*Board of Trade*. Newfoundland, 3. No. 91; and 25. pp. 168-169.]

Dec. 6.

86. Journal of Council of Trade and Plantations. Colonel Gibsone's memorial read (No. 85) and a representation ordered thereupon.

Dec. 7.

Governor Codrington's letters of 5 July and 27 September read. The letter to the President and Council of Barbados as to Colonel James Colleton was signed (No. 88).

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Dec. 8. A draft representation as to pirates, and a draft letter to Mr. Vernon upon Sir William Beeston's case were approved.
- Dec. 9. The letter aforesaid to Mr. Vernon was signed (*No.* 92). Mr. Gilbert Heathcote presenting a second memorial (*No.* 90) in Sir William Beeston's defence, the sense thereof was added in a postscript.
Representations as to pirates and Colonel Gibsone's accounts were signed (*No.* 93). [*Board of Trade. Journal*, 10. pp. 363-366.]
- Dec. 6. **87.** Minutes of Council of Barbados. A ship came in from Cork bringing news of peace, but Mr. Sharpe dissented from issuing a proclamation of the same.
- Dec. 7. Mr. Sharpe gave his reasons for dissenting from the Proclamation proposed by the Council, the chief of which was that no authentic notice of peace had yet been received from Whitehall. A second provision-ship came in, blown off the coast of Newfoundland.
- Dec. 8. Several accounts passed. The Assembly came in and desired that their power relating to commitments might be ascertained, since Mr. Cox had refused obedience thereto; they also moved for an order for the Agents' money and for the Agents' bill to be passed. A Guinea-ship, come in to wood and water on her way to Jamaica, prayed for remission of powder-duty. Edward Walrond's petition for the taking of depositions under the public seal granted.
- Dec. 9. Petition from the master of a seized sloop read, and referred to the law-officers for report. The Assembly brought up two bills concerning Grand Sessions, and a bill to ascertain the powers of the Assembly; and the Speaker desired that the commissioned officers and 112 men of the company formed from Garth's regiment be subsisted for a month, to which the Council agreed. [*Board of Trade. Barbados*, 65. pp. 261-265.]
- Dec. 7. **88.** Council of Trade and Plantations to President and Whitehall. Council of Barbados. A memorial has been laid before us by Katherine Richardson and William Thornburgh, enclosing a petition addressed by certain persons on their behalf to you (*see No.* 81). As it is wholly unfit that any person should be judge in his own case, so neither is it allowable that any person, by being a judge in a precinct, where matters in controversy between him and others lie, should be enabled to obstruct the regular course of justice. It is very requisite, if the allegations in the petition be true, that some other judge, impartial and disinterested, should be appointed to hear and determine this matter. *Signed*, J. Bridgewater, Ph. Meadows, John Pollexfen, Abr. Hill. [*Board of Trade. Barbados*, 44. pp. 117-118.]
- Dec. 7. **89.** Minutes of Council and Assembly of Antigua. Addresses from the Assembly sending up an Act for annexing of several chattels to the freehold, with an amendment, and requesting that their representation in vindication of the Governor might be returned to them for record, and that the messages from the Council may be sent always in writing. Message from the Assembly, sending up the Acts for regulating Assemblies and for ascertaining boundaries, and suggesting that, in view of the

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frequent reports of peace, their former resolution as to the remittances made during Governor Codrington's Government could no longer be taken as an earnest of their good intentions. Orders as to a minor's estate, as to the indictment of Henry Walden at next sessions and as to a land-grant. [*Board of Trade. Leeward Islands, 64. pp. 220-222.*]

Dec. 9.

90. Gilbert Heathcote to Council of Trade and Plantations. I wish to add to my former memorial of 29 November (*No. 74*) that after Sir William Beeston and my brother had both lent all they had and the captains of the men-of-war were pressed for more, he called all the merchants at Port Royal together and earnestly entreated them to advance money for them. Their answer was that they had already lent, some more, some less; but the payment was long delayed in England and when made was in tallies and the like, by which they were such losers that they would lend no more. *Signed, Gilbert Heathcote. Holograph. ½ p. Endorsed, Read 9 Dec., 1697. [Board of Trade. Jamaica, 8. No. 78; and 56. pp. 161-162.]*

Dec. 9.
Jamaica.

91. Governor Sir William Beeston to Council of Trade and Plantations. My last letters were sent on 11 September. I received yours of 2 July on the 7th October. With much reflection in myself I received the King's letter of 22 April concerning the Acts of Trade, because I do not know whether it is a circular letter addressed to all the Governors, or whether some one has made a particular complaint that I have neglected my duty therein. I have already reported to you that the want of necessary supplies and the scarcity and dearness of all things in this island in war-time have encouraged the inhabitants to assist the importers of necessaries, while the size of the island and the number of harbours and rivers for landing give great facilities therein; nevertheless little has been in that kind, and I have taken all possible care to prevent it, as my duty bade me. It is however plain that nothing is so ruinous to the settlement of these Colonies as these Acts, for we are not supplied from England nor suffered to be supplied from elsewhere. So too with our produce, the English send no ships to take it away and no one else is allowed to take it away, whereby the people lose their labour, charge and industry and the King his customs. It is easy to show that but for those Acts this island would be settled and peopled without any charge to the King, and the customs from hence thrice larger any year than they are now, besides the great expense of the English manufactory and the importation of so many thousands of pounds of gold and silver into England. Without some such encouragement these islands will dwindle to nothing, especially this, which is capable of anything for war or trade and may easily be made to give laws to the Spanish West Indies. Neither Admiral Nevill's squadron nor H.M. ships Foresight and Chatham brought any supernumerary seamen, so that we are much straitened for men to carry home the Reserve and the Princess Anne, nor have we men to man one privateer. Therefore the order to the Captains not to impress was very good, but at the same time to order the Governor to press when the

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Captains say they want men is hard and impossible; for men cannot be impressed where they are not, nor can any be impressed by the Government here but the inhabitants, which would force men from their families, probably never to see them again, besides weakening the country by forcing away what little strength we have. The French continue landing in the out-parts and do much mischief. There was a standing order of the King that two fourth-rates and a fifth or sixth-rate should always be here, but since I sent home the *Swan* none of those small ships have been sent, though we have great need of them to keep these small pickeroons from the coast, which the big ships cannot do, being unable to follow them where there is but little water. I have already reported that I was obliged to make use of the soldiers' money to victual the ships, but now that two victuallers have arrived I have ordered some of the money that was advanced to be supplied from thence, and for others I have taken the bills on the Victualling Office, thereby making good the money to the soldiers' fund again. If I had orders for it, that money, on disbanding the soldiers, would go far towards assisting the King's ships and would save the drawing of bills.

I have observed your orders as to French engineers, but can find none here that can come under any such suspicion, though the French own (and I am convinced in my own opinion) that they have continual advice from this place of all that is done. Thus, in order to deal them a parting blow before the war ended (which we knew was at hand) I sent our four men-of-war to try what they could do about *Petit Guavos*, but, their passage being long, the French had intelligence, and sent all their force together and lined the shore, so that there was no landing and the ships returned without doing anything. Mr. Lewis, the Commissary, will have considerable money in his hands, proceeding from the sale of stores, for the disposal of which he has no orders. We have been at great charge in preparing and maintaining fire-ships for the defence of the place as well as for other matters, which has run the Treasury much in debt. Many that have furnished for these occasions want their money, and we know not how to pay them without peace and more trade to bring money to the revenue. If the King would bestow that money on the country it would release it from debt. I would call an Assembly and propose it to them, but that I knew it would be in vain, for they have the answer that since no ships come to buy their produce they can pay no taxes, which is too true. This is not only a great discouragement to them but a loss to the King's customs; and for this reason, and because of the extravagant price of freight, I have desired the men-of-war to take in some goods, such as may not be a prejudice to them, to help the country and raise customs. I hope that this will not be ill taken. I have already reported to you the prejudice it is to the country for the patentees of the principal offices to live in England and send whom they please to act as their deputies. Now Mr. Towse, Mr. Harris's deputy, is dead, and that before he understood anything of his office. By the same rule we may presently expect another as ignorant, which is a great injury as well as trouble, especially in that office where are most of the records of men's estates and where the officer

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of course is Clerk of the Council. I beg you therefore to order that none may be admitted but such as shall be approved here as of known capacity and integrity to execute those offices. I find that the captains of the men-of-war are much displeased because I have taken the victuallers out of their hands and would not let their pursers sell those provisions. I have good reasons for it, which I have now given to the Victualling Board, and which are recorded in the Minutes of Council sent herewith. I hope they will be approved of, since I had no design nor interest therein but the saving what I could to the King, which I am satisfied would otherwise have come to a small account. Mr. Broughton, one of the Council, goes home in this ship, an intelligent man and well acquainted with the Island's affairs, with which he has long been concerned. He can give you any information as to Jamaica that you may desire. *Signed*, Wm. Beeston. *P.S.*—11 December. Yours of 27 October with the acceptable news of peace arrived to-day. Peace has been proclaimed. 13 December. This evening Mr. Lewis was unfortunately killed by Mr. Beckford, the Receiver General, by which both offices are at present void. I shall fill them as well as I can. 2½ pp. *Endorsed*, Recd. Read 5 April, 1697. [*Board of Trade*. Jamaica, 8. No. 79; and 56. pp. 184-189.]

Dec. 9.
Whitehall

92. Council of Trade and Plantations to Mr. Secretary Vernon. In reply to the Duke of Shrewsbury's letter of the 23rd ult. we offer as follows. Sir William Beeston in his letters of 23 July and 7 August informed us that there had been great desertion of inhabitants from Jamaica, and especially of seamen, occasioned by much pressing, as also that the King's service suffered much from want of an Agent to supply his ships with necessaries. On 19 December last we recommended that such an Agent should be appointed and one hundred supernumerary seamen sent out. In his letter of 15 July Sir William reported that not one supernumerary seaman was sent out for the Southampton and Reserve, and complained much of the want of seamen, and of the hardship and danger to the island if he were obliged to press the inhabitants. He mentions also that he rendered Admiral Nevill's fleet all the service in his power. On the request of Lady Beeston we heard on his behalf Mr. Gilbert Heathcote, who brought with him two gentlemen lately arrived from Jamaica. They bore witness that the Government of Jamaica takes all possible care for the King's ships both in supplying them with provisions and in securing deserters, and gave instance of the diligence of the inhabitants in supplying the fleet with wood and water. They likewise answered the complaints about neglecting to give advice to Admiral Nevill, and set forth the sums advanced by Mr. Josiah Heathcote and Sir William Beeston, at great loss to themselves, for the men-of-war (*see* No. 74). *Signed*, J. Bridgewater, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Abr. Hill. [*Board of Trade*. Jamaica, 56. pp. 162-166.]

Dec. 9.
Whitehall

93. Council of Trade and Plantations to the King. We annex copies of Colonel Gibsone's account of provisions taken up by him in Newfoundland, observing that he was obliged to draw bills upon himself for them, those upon any office being refused, and

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that those bills will fall due in twelve days' time, when his person and estate will be liable for the same unless provision be made for meeting them. We beg your Majesty's consideration hereof. *Signed*, J. Bridgewater, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen, Abr. Hill. [*Board of Trade*. Newfoundland, 25. pp. 170-171.]

Dec. 9.
Whitehall.

94. Council of Trade and Plantations to the King. We have considered the manifold mischiefs which have been committed of late years in the West Indies and elsewhere, and the too favourable encouragement which (as is notorious) these robbers have found in several of the Colonies (more particularly in Proprieties and Charter Governments), both in fitting out from thence and in returning thither as a secure receptacle. These pernicious practices will make all trading in the sea insecure and by the resentment of princes and states will tend more and more to the prejudice of your trading subjects. The most effectual remedy would, we think, be a law enacted here to extend uniformly through all your Plantations by which the methods of trying pirates might be directed, and the punishment of that crime made capital. Till such an Act shall be made we propose that you direct that copies of the Act of Jamaica, for restraining and punishing privateers and pirates, be sent to the Governors of all your Colonies, the Proprieties and Charter Governments included, with orders to each of them to use their utmost endeavours with their Assemblies to pass an Act to the same effect. We advise also, in concurrence with the opinion of the Judge of your Court of Admiralty here, that the Lords of the Admiralty give positive and pressing orders to all their Vice-admirals and Judges of Admiralty in the Plantations to be very diligent and vigorous in executing their powers by seizing, trying and punishing any pirates that may be found within their jurisdictions, or for sending them hither to be tried by the laws of England, as shall seem most conducive to bringing them to punishment. *Signed*, J. Bridgewater, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Abr. Hill. [*Board of Trade*. Plantations General, 34. pp. 211-213.]

Dec. 10.

95. Minutes of Council of Massachusetts. Letter from the Council of Trade of 27 October read, and peace proclaimed as therein directed. [*Board of Trade*. New England, 49. p. 129.]

Dec. 13.
Jamaica.

96. Governor Sir William Beeston to William Popple. Yours of 2 July has been received and shall be observed. But at present I have no thought of calling an Assembly, nor shall I unless I can thereby produce some great advantage to the King's revenue or to the service of the Island, for we have more laws already than are observed, and I am of opinion that multiplicity of laws is a great prejudice to any country. I send the Minutes of Council, also the accounts of the revenue to Michaelmas last. I should take it as a great kindness if you would favour me with your correspondence. *Signed*, Wm. Beeston. *Holograph*. $\frac{1}{2}$ p. *Endorsed*, Recd. Read 4 April, 1698. [*Board of Trade*. Jamaica, 8. No. 80; and 56. p. 190.]

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- Dec. 13. **97.** Journal of Council of Trade and Plantations. Mr. Story again asking for allowance for his voyage from New Hampshire, a letter to Lord Bellomont on the subject was ordered to be prepared.
- Dec. 14. The Secretary reported that yesterday he had waited on Mr. Vernon to ask him to give his assistance to this Council of which, being Secretary of State, he was now a member.
Colonel Gibsone communicated certain information received from Newfoundland as to great mortality among the English soldiers there, and as to the weakness and discontent of the French garrison of Placentia.
- Dec. 15. Letter to Lord Bellomont in favour of Mr. Story signed.
- Dec. 16. Order for the Secretary to write to the Proprietors of the Proprietary Colonies for copies of their laws. [*Board of Trade. Journal*, 10. pp. 368-373.]
- Dec. 14. **98.** Minutes of Council of Barbados. Bill empowering the Assembly to appoint Agents read twice and rejected, being contrary to the royal instructions. Order for provisions to be supplied to the Bonaventure.
- Dec. 15. Bill to ascertain the Assembly's powers read twice and committed. Address for printing the laws read. The Quakers produced a certificate from the Prerogative Court of Canterbury, shewing that they were admitted executors upon making affirmation instead of oath. Resolved that it be recorded and accepted as of force in the Island. At the request of the Assembly an order for £750 for payment of the Agents was passed. Certain accounts were passed. [*Board of Trade. Barbados*, 65. pp. 265-266.]
- Dec. 15. **99.** Council of Trade and Plantations to Governor the Earl of Bellomont. Mr. Charles Story, who brought to us the news of the late disorders in New Hampshire, has desired our assistance towards obtaining some allowance for his trouble and expense therein. We determine nothing in that head, but we cannot refuse him our testimony that he has been a diligent solicitor in that affair, so we leave his claim to be dealt with by yourself and the Council of New Hampshire. Signed, J. Bridgewater, Ph. Meadows, Jno. Pollexfen, Abr. Hill, Geo. Stepney. [*Board of Trade. New England*, 36. pp. 331-332.]
- Dec. 15. **100.** Minutes of Council of Massachusetts. Order for payment of £7 6s. 4d. to Duncan Campbell for provisions bought for the entertainment of the Earl of Bellomont, and of £3 to a prisoner lately escaped from the Indians. [*Board of Trade. New England*, 49. p. 135.]
- Dec. 15. **101.** Journal of General Assembly of Massachusetts. The Lieutenant-Governor acquainted the Assembly with the purport of letters from the Agents and from Whitehall respecting the proclamation of peace and the disallowance of two laws, after which he proposed that fit persons should be appointed to meet Lord Bellomont at New York.
- Dec. 16. Agreed that the Council nominate two persons and the Representatives one to meet Lord Bellomont.

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Dec. 17. A vote of the Representatives for allowing a rebate of duty, and several votes for payment of salaries and small charges, agreed to. Wait Winthrop, Elisha Cooke and Penn Townsend appointed to meet Lord Bellomont at New York.
- Dec. 18. On the motion of the Representatives, the preparation of a bill to prohibit exportation of coin and bullion was ordered. The question of Thomas Hinkley's land deferred to next Session. Address to Lord Bellomont read, and left to further reading. Sending votes for payments agreed to. [*Board of Trade*. New England, 48. pp. 207-211.]
- Dec. 16. **102.** Order of the King in Council. Referring the representation of the Council of Trade respecting Colonel Gibsone's accounts (*see No. 93*) to the Lords of the Treasury for consideration. *Copy.* $\frac{1}{4}$ p. *Endorsed.* Recd. Read 21 Dec., 1697. [*Board of Trade*. Newfoundland, 3. No. 92; and 25. p. 172.]
- Dec. 16. **103.** Minutes of Council and Assembly of Antigua. The Council passed the Act for regulating slaves, sent up by the Assembly, and agreed that the Act for an impost on liquors should be renewed. Address of the Assembly to the Governor, setting forth the trouble that might ensue to Antigua if on his death, and after his beneficent rule, Lieutenant-Governor Gardner should succeed him in the Government; and praying him to take measures to avert such an event. Answer of the Governor, that he recognised the justice of their fears and would do what he could. Message from the Governor that Barry Tankard had returned and surrendered himself for trial. The Assembly sent up six Acts to the Governor to be passed, of which he declined to pass those for regulating fees, and appointing the number of the Assembly. Orders as to land grants, and for payments in compensation to the owner of two runaway negroes who had been killed. [*Board of Trade*. Leeward Islands, 64. pp. 222-227.]
- Dec. 16. **104.** Minutes of Council of Montserrat. Free licence granted to Hercules Murphy to keep a tavern for a year, he having been maimed in the expedition to Martinique. A joint Committee appointed to audit the Treasurer's accounts. [*Board of Trade*. Leeward Islands, 64. p. 527.]
- Dec. 16. **105.** Order of the King in Council. Referring Governor Codrington's letter to the Privy Council of 5 July, to the Council of Trade and Plantations. *Copy.* $\frac{1}{4}$ p. [*Board of Trade*. Leeward Island, 5. No. 62; and 45. p. 127.]
- Dec. 17. **106.** Minutes of Council of Maryland. Letter of the Council of Trade of 27 October read. Order for peace to be proclaimed accordingly. [*Board of Trade*. Maryland, 13. pp. 395-396.]
- Dec. 17. **107.** Sworn information of William Hughes, of the parish of St. James's, Westminster. I have received the enclosed letter as to the misuse of my son by Captain Ganspoole. When my son was first retained as servant to him it was agreed that he should have four shillings a year, meat, drink, washing, lodging and clothes, while in England, and on accompanying him to Antigua, twenty shillings a

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year more, also to be clerk of his company, giving a month's warning upon dislike. Captain Ganspoole promised the servant that he should freely go to his brother, William Burnett, at Barbados; all of which, according to this letter, he has not performed. 1 p. *Endorsed*, Recd. Read 20 Dec., 1697. *Enclosed*,

107. 1. Benjamin Burnett to his parents, 29 Sept., 1697.

Dear father and mother, my humble duty presented unto you hoping that these lines will find you in good health as I am at this present, blessed be God for it. Your long absence from me surprises me, especially I not having heard from you since I came, only my brother William informs me in a letter which he sent to me that he received a letter from you and that you desired him to enquire after me, which he did, but my master will not permit me to go to him, neither will he give me any money or clothes, but keeps me in a very poor condition. I have been very bad of the fever and ague for the space of seven months, but I thank God am now recovered, and am resolved now I have my health never to remain in this poor condition, but privately depart from this unfaithful master of mine hoping that God Almighty will be my guide, and you may assure yourselves that wheresoever I am I shall not fail to send you word. Pray remember my kind love to my brothers and bid them to take care how they depart from Europe with strangers. Pray remember me to all my friends and acquaintance, having no more to say at this time but my prayers to God for you all, I remain your dutiful and obedient son till death, Benjamin Burnett. 1 p. *Very well written and spelt*. [Board of Trade. Leeward Islands, 5. Nos. 63, 63 1.]

Dec. 19.
Boston.

108. John Usher to Council of Trade and Plantations. I have received yours of 3 August and 27 October last. Herein I enclose an account of my proceedings in pursuance of your orders in New Hampshire. I gave you formerly an account of the seizure of the Government by Hincks, Vaughan and Waldern. Since then they have taken upon themselves to call an Assembly, have raised a considerable sum of money, turned Joseph Smith out of his places as Councillor and Treasurer, and have taken the King's money into their hands, for which Smith had issued out a warrant, pursuant to an Act when I was in the Government. This I judge proper to lay before you. As to the present disorders relating to the Government, pray refer to the enclosed. As to Partridge I submit that he might have qualified himself when he was in England but he neglected to do so, and for over a year after his arrival here refused to assume the Government as not being qualified. On the day after I had published your orders he entered on the Government without qualifying himself, contrary to your directions of 3 August, and Hincks gave him an oath. He then admitted three suspended persons to Council, without their restoration by the King's authority, and put out Joseph Smith and Kingsley Hall, both loyal persons who sat with me in Council on the 13th inst. All this was expressly

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contrary to the King's commission and very discouraging to loyal persons. He has made one Penny Secretary, a person who is not a freeholder nor has five pounds in the world, contrary to the Royal Instructions. Partridge being sensible that he could not gratify himself before entrance on the Government made Hincks, Vaughan, Waldern, Eliott and Coffin give bonds to pay part of the £1,000 penalty imposed by the Act, which, with submission, I take to be a high misdemeanour. I am told that Partridge with advice of his Council has issued warrants to call an Assembly; if he be not qualified I judge he cannot legally do so. The reason why Partridge did not sooner assume the Government was that he had two ships from Bilboa with iron, and another with European goods from Newfoundland arrived this summer, all contrary to the Acts of Trade, and that he feared I might seize the vessel and part of the goods, which I should have attempted. I issued my warrants for my Commission, instructions and the seal to be given to me, Partridge, Hincks, etc., having by a wile got them from Mr. Fryer, in whose custody I had left them. I could not by warrant obtain them so, as Partridge entered the Government, keeping my commission, etc., I judged it my safety to proceed no further in the Government but to retire to Boston and await further orders. When Captain Walton went to England there was £83 of the King's money in his hands for which he has my receipt. I hope that the King will allow me the same for the money which I have been forced to pay to Walton and to Mr. Story to give you an account of New Hampshire. In all this amounted to £90; but if you will not allow it, the money shall be repaid into the Treasury. It is six years since I had the King's commission, and to this day I have never had a penny to support me in the Government, but have spent over £700 of my own, besides expense of time. I hope that the King will allow me the £1,000 forfeited by Partridge to the King, being nothing out of the Treasury in England. To support the Government I suggest that the King should lay a tax of three shillings a thousand on all boards, *pro rata*, planks, lumber and staves, for anchorage money. The transient discourse which I heard here respecting your orders was that they had no occasion to mind a private letter from you, looking on the Lords Justices as no other than their own ignorant justices. I hope that in the spring there will come orders to make these "mighty potent" (though but an inconsiderable handful) to answer for their irregularities at Whitehall. If not, I think it will be very prejudicial to all the Governments immediately commissioned by the King. Signed, John Usher. 2 pp. *Enclosed*,

108. 1. Account of Lieutenant-Governor Usher's proceedings on receipt of his orders of 3 August and 27 October, 1697, from Whitehall. I at once issued a warrant for Henry Green, Nathaniel Wear, Peter Coffin, Kingsley Hall and Joseph Smith of the Council to meet me at Hampton on the 18th of December. I also issued my warrant for Joseph Smith to order the whole militia of the town to appear under arms for the proclamation of peace, which was done. On Sunday, 12 December, just before Mr. Cotton pronounced the blessing at the close

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of Divine service, I asked his permission to speak, and read their Lordships' letter of 3 August requiring all persons to obey the same. On the 13th the members of Council duly appeared, and, several of the militia being present under arms, the letters of 3 August and of 27 October were read, after which three volleys were fired in honour of the peace, and the soldiers were dismissed, I having first ordered wine to be given to them to drink the King's health. I then called upon the Councillors present to accompany me to Newcastle to execute your orders. Wear and Green prayed to be excused, but I required their obedience. I then set forth with all the Councillors except Green to Newcastle, where Captain Walton, by my order, had drawn up as many of the militia as he could obtain under arms. We then alighted from our horses, and before going into any house I read the aforesaid orders and proclamation, and ordered wine for the soldiers to drink the King's health. An hour later I sat in Council, having warned all to appear, but only Fryer, Coffin, Wear, Hall and Smith were present. I then gave my warrant to Captain Fryer to deliver the King's fort and stores to Captain Walton. He ordered the fort to be delivered to him, but Hincks, who had the custody of the stores, declined to deliver them. I issued my warrant therefore for seizure of the stores, which was done. On the 14th December, while Captain Walton was taking account of the King's stores, Mr. Partridge, who had that day been sworn and had entered on the Government (though contrary to Act of Parliament) with a pretended Council (of whom two had sat with me on the day before) came with about one hundred well-armed men, drums beating, colours flying, entered the fort and seized the same. I asked by what power this was done; and was answered by Mr. Partridge, as Lieutenant-Governor. Mr. Partridge read his Commission in the fort and published the proclamation of the peace (though he had no order for the same and I had done it on the day before). A warrant was immediately issued for arrest of my sheriff and for two files of musketeers to seize him, when judging myself not safe, since I could not get my Commission, I returned to Boston. *Signed, John Usher. 2 pp.*

108. II. Minutes of a Council held at Newcastle, New Hampshire, on 13 December, 1697. Lieutenant-Governor Usher, Messrs. Fryer, Coffin, Wear, Smith and Hall present. The orders of 3 August and 27 October from Whitehall were read, and the Lieutenant-Governor said that he had already caused them to be published. Orders for a day of thanksgiving for the peace on 30 December, and for a warrant for the delivery of the records of the province to Joseph Smith. Adjourned till to-morrow. 1 p. *The whole*

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endorsed, Recd. Read 11 April, 1698. [*Board of Trade*. New England, 8. Nos. 131, 131 r., II.; and (without enclosures) 36. pp. 355-358.]

Dec. 20.
Whitehall.

109. James Vernon to Council of Trade and Plantations. By the King's order I send you copy of a memorial lately given in by the French Ambassadors at the Hague to the King's Ambassador. You will report how much of the island of St. Christophers is to be restored to the French in virtue of the late Treaty, and whether anything is to be demanded on the King's part in relation either to St. Christophers or to any other parts of America. I transmit also a memorial from Mr. Ralph Grey, Governor of Barbados, concerning an allowance of shipping for his attendance or equipage, whereon also you will report. *Signed*, Ja. Vernon. 1 p. *Endorsed*, Recd. Read 21 Dec., 1697. *Enclosed*,

109. 1. Memorial of the French Ambassadors at the Hague. The Treaty of Peace carries with it the restoration of two quarters of the Island of St. Christophers which were taken by the English during the late war. The Most Christian King has ordered his ambassadors to demand from the English Ambassadors the necessary orders for replacing the French in possession, so that the same ship to be despatched there by the French King in January next may carry both his orders and those of the King of England for the reinstating of the French. *Copy. French.* $\frac{1}{2}$ p. *Endorsed as the letter.* [*Board of Trade*. Leeward Islands, 5. Nos. 64, 64 r.; and 45. pp. 129-131.]

Dec. 20. **110.** Minutes of Council of Massachusetts. Order for providing clothing for French prisoners until they can be transported.

Dec. 22. Order for payment of £40 to each of the Judges of the Superior Court, and of £15 to James Maxwell for a year's service as door-keeper to the Council and Assembly. [*Board of Trade*. New England, 49. pp. 136-137.]

Dec. 20. **111.** Journal of General Assembly of Massachusetts. Address to Lord Bellomont agreed to. Bill to prohibit exportation of coin, etc., read.

Dec. 21. The bill aforesaid was read a second and third time and ordered to be engrossed. Two justices heard in defence of a complaint against them.

Dec. 22. Order on the complaint aforesaid, that the warrant of execution issued by the said justices be cancelled. Bill to prohibit exportation of coin passed into a law. Committee appointed to examine the demands of wounded soldiers. Prorogued to 16 March, 1698. *Memo.* On 24 Feb. the Assembly was dissolved. [*Board of Trade*. New England, 48. pp. 212-214.]

Dec. 20. **112.** Journal of Council of Trade and Plantations. The representation of 9th inst. (No. 94) as to pirates being returned from the Privy Council, Lord Bridgewater explained that there were further papers on the same subject to be considered.

Governor Codrington's letter of 5 July to the Privy Council read.

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Affidavit of William Hughes (*No. 107*) read. Ordered that the matter be brought to Governor Codrington's notice in the next letter written to him.

- Dec. 21. Mr. Secretary Vernon's letter of yesterday as to the restitution of the French part of St. Christophers and Mr. Grey's passage read (*No. 109*). Order for the books to be searched for the precedents in both cases.

Copy of an Order in Council of 16th inst. (*No. 102*) as to Colonel Gibsone's accounts received and read.

Draft letters, requesting the owners of Proprietary Colonies to send copies of their laws, approved.

- Dec. 22. On Mr. Richard Cary's request, it was ordered that copies of the complaints against Governor Codrington be given to him.

The laws of Virginia, borrowed from Mr. Bird, were returned.

- Dec. 23. Mr. Bridgeman's letter of yesterday as to Mr. Grey's tonnage read (*No. 117*), and a letter was at once written to Mr. Secretary Vernon thereupon.

Mr. Secretary Vernon's letter of 21st, with copies of advices from the East Indies concerning pirates, was received and read (*No. 115*).

- Dec. 24. The business of the restitution of St. Christophers considered, and a letter written to Mr. Secretary Vernon thereupon (*No. 123*). [*Board of Trade. Journal, 10. pp. 375-380.*]

- Dec. 21. **113.** Memorial of Ralph Grey to Council of Trade and Plantations. The late Governor Russell on going to Barbados, besides tonnage for his goods, had allowed him twenty chaldron of coals, two coaches, thirty-two persons, and twenty-one horses, for the carriage of which the Navy Board contracted, and paid before the ship left the Thames. Governor Grey desires that the like may be allowed to him. $\frac{1}{4}$ p. *Endorsed, Recd. Read 21 Dec., 1697.* [*Board of Trade. Barbados, 7. No. 55; and 44. p. 119.*]

- Dec. 21. **114.** William Popple to the Secretaries of the Admiralty. Whitehall. I forward a memorial from Mr. Ralph Grey (*see preceding abstract*). Finding no particular account of these matters in the books, the Council of Trade desires to be informed by the Admiralty what tonnage was allowed to Governor Russell for his goods, and also for the other occasions mentioned in the memorial. [*Board of Trade. Barbados, 44. pp. 119-120.*]

- Dec. 21. **115.** James Vernon to Council of Trade and Plantations. Whitehall. I send you, by the King's command, copies of advices received from Persia and India by the East India Company concerning piracies committed there for the most part, as it is represented, by the King's subjects, to the great damage of trade and the further danger of servants and factors by irritating the Governors of those countries against them. You are to consider what measures are to be taken for suppressing such piracies, for destroying the fort they are said to have built in the island Santa Maria near Madagascar (where they are supplied with provisions from the West Indies), and for preventing them from settling themselves under a formed Government of robbers. Signed, Ja. Vernon. $\frac{3}{4}$ p. *Endorsed, Recd. Read 23 Dec., 1697.*

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Enclosed,

115. 1. Copies of extracts from letters received by the East India Company.

Bombay, 15 October, 1696. Horrible clamours are occasioned by the pirates from all parts, which are unanimously reputed to be English. Besides the Gunsway the Mogul's own ships were robbed last year near Surat and barbarously used. Abdul Gophow has since had one robbed of a great sum in the Gulf of Persia, and this day we have news from Mocha of two ships belonging to the Company's merchants being taken. The loss of one of them, in which was 60,000 rupees, amounting to £7,500, has almost broke some of the merchants in Bombay, and is a considerable prejudice to the Company, for there was in her eighty tons of good new coffee. They were taken by two small pirates, one of fourteen and one of thirteen guns, with each about one hundred and fifty men, almost all English. They used the crannyes (or pursers) very barbarously to make them confess they had more than what was in the ships. They set the master ashore at Aden to sell the two prizes, but he not returning, they burned them both. The surgeon of one of the ships, who was carried on board the pirate, gives the following account, viz., that on the 14th and 15th August the Ruparrell and Calicut, merchantmen, both bound for Bombay, were taken by a pirate called the John and Rebecca, John Hore captain, that came out of the Babs, near Mocha; the pirates, being unable to get the prizes ransomed at Aden for 3,500 pieces of eight, burned the Calicut first and the Ruparrell afterwards, with the English ensign at the top-mast-head, in sight of the people at Aden, turning the lascars (or Indian seamen) on shore, and taking the English on board. From thence the pirates proceeded to the Gulf of Persia, designing to plunder Congo. At Tampo (also called Antelope Island) they careened and victualled their ship and sent their boat to Congo to observe the place. In the night they took two fishing-boats, which told them that six Portuguese men-of-war were there. Thereupon they went to Cape Mussington and plundered a fishing-town; then turning up towards Kirmish (an Island in the Gulf of Persia) they took a country-vessel; then they sent to view Congo a second time, and an island higher up, after which the narrator, being set ashore at Gambroon, can tell nothing further of their proceedings. This same letter from Bombay further reports that another of these rogues was in July off Tellicherry, looking out for the ships of that coast coming from Aden, and that there was hourly expectations of the Company's affairs being embroiled there. At Surat it was generally reported that there were five pirates at the Babs near Mocha.

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From Bombay, 15 December, 1696. A ship, called the Mocha, in the Company's service, was bound on a voyage from Bombay to China, when part of her crew conspired together, killed the captain, wounded the carpenter, secured the rest of the officers and turned seventeen men, who refused to be concerned in their further design of piracy, adrift in a small boat without victuals or water, where they were for three days in the utmost danger and extremity. At the same time another of the Company's ships, the Josiah, being bound from Bombay to Madras, some of the men took the opportunity of the master's sickness to run away with her, but by a strange Providence she came where these seventeen men were ashore, who recovered her and carried her back to Madras. These disorders the factors attribute in very great measure to the licentious principles and practices of interlopers, who, to the utmost of their power in India, have endeavoured to banish all reverence of government from the minds of men. Probably the actions of some like men in England have contributed thereto, by declaiming against all acts of justice done in India against malefactors. If care be not taken to suppress pirates in India, and to empower the Company's servants there to punish them according to their deserts without fear of being traduced for what they have done when they return to England, the said servants fear it is probable that their throats will all be cut by malefactors and by the natives of the country in revenge for frequent losses, and, moreover, the trade in India will be wholly lost. It occasions great trouble to stave off the Governors of these parts from violently revenging the loss of their subjects' lives and effects upon the lives and estates of the Company's servants. The factors have fresh advice of two pirates (wherein all are English) on the Bombay Coast, one of which has taken an Arab ship, which will probably put the Arabs upon taking all the English that they can master.

From Bombay, 15 January, 1696-7, and from Calicut, 30 November, 1696. On 23 November, 1696, a pirate came under English colours into Calicut Road, where several ships were at anchor. Coming in call of the outermost the pirate fired a gun at her, and then hoisting Danish colours fired broadsides and volleys of small shot, laid her on board and took her. From her they fired at the other ships and took three of them, viz., one of the Mogul's hired ships, a Banyan ship, and the Company's frigate Josiah. Thereupon five other ships cut their cables and ran ashore. Having taken four of them they demanded £10,000 ransom for them or threatened to burn them. Not having the money immediately they hoisted bloody colours, fired one of them and soon after set a second ashore, also on fire. Some of the pirates, when they came ashore to demand the ransom, acquainted

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the Chief and Council that they acknowledged no countrymen, that they had sold their country and were sure to be hanged if taken, and that they would take no quarter, but do all the mischief they could. Captain Mason was sent on board them from the English factory, but after some show of detention he was turned ashore. He reported that the pirates were going to cruise for the Persia and Bussorah ships, that she had been at Mocha, having left it on 24 August, that she was the ship that took the Arab at Chuttapore, that she is of about 300 tons, 100 men and 20 guns, that her commander is a Dutchman, Dirick Clevers, of New York, that he has been two years out from thence, and that he expects a consort of much the same burden commanded by one Hore. The Commander of the pirate also told Mason that most of the pirates which infest those seas are fitted out at New York, whither they return a share of their unlawful gains, the Governor conniving thereat, and that Guillian's ship, after their piracies in the Indian seas, returned thither and shared £700 each man. They then made a present of their ship to the Governor, who sold her for £1,000; and shortly afterwards £2,000 was offered to the buyer by some of the crew who intended to pursue their evil practices. This pirate's actions so exasperated the Governor, country and people that, had not some soldiers and others stood by the English and protected their factor, the country-people would have destroyed the Company's servants; for they were all reporting that the pirate was an English ship and belonged to the Company, and that the money demanded for ransom was to be brought ashore again into the factory. While closing the letter of 16 January, the factors received advices that three pirates in the Coast of Sindy had taken seven country ships, worth 400,000 rupees or £50,000; the factors were fearing that the whole of the Company's effects might be taken.

From Gambroon in Persia, 16 January, 1696-7. On the 4th inst. one of the pirates that lately was off Congo was brought in prisoner, having been taken at Cape Jasques, where he and several others had landed to plunder for provisions. The Persians fought them, killed three and took one. He is an Irishman, says his father was Dutch and his mother English, confesses that they are of all sorts in the ship, but says that she comes from the King of England's dominions (meaning New England); so that the Persians say that the English are the only robbers. The factors sent to the Government to desire that the prisoner might be brought to their factory to be examined, and that if he were an Englishman he should be sent to Bombay to answer for his roguery in burning two English ships in the Gulf of Mocha. But the Government would grant

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nothing, and have sent him to the Chief Governor of Lar. What they intend to do with him is not known. The factors believe they will come to some trouble and disgrace about him.

From Captain Thomas Warren, of H.M.S. Windsor, to the East India Company, 28 November, 1697. The master of ship from Madagascar, whom I met, gave me the following account. There is a small island called Santa Maria at the north-east part of Madagascar, where the pirates have a very commodious harbour to which they resort and clean their ships. Here they have built a regular fortification of forty or fifty guns. They have about 1,500 men, with seventeen sail of vessels, sloops and ships, some of which carry forty guns. They are furnished from New York, New England and the West Indies with stores and other necessaries. I was informed that if they could obtain pardons they would leave that villainous way of living. 7 pp. [*Board of Trade. Plantations General, 4. Nos. 80, 801.; and (covering letter and concluding extract only) 34. pp. 226-227.*]

Dec. 22.
Whitehall.

116. William Popple to William Thornburgh and to the Proprietors of East and West Jersey. Desiring them to send copies of the Acts of Assembly of the Bahamas, Carolina and the Jerseys. [*Board of Trade. Proprieties, 25. p. 189.*]

Dec. 22.
Admiralty
Office.

117. Secretary of the Admiralty to William Popple. In reply to yours of yesterday, with Mr. Grey's memorial, I am to acquaint you that, as the providing tonnage for the carriage of goods, etc., for Governors of the Plantations is a service that relates not to the Navy, the Admiralty gives no orders in such matters except according to the King's pleasure signified to them. In Colonel Russell's case this was done by Order of Council, as will appear by the Council books. *Signed, Wm. Bridgeman. ½ p. Endorsed, Recd. Read 22 Dec., 1697. [Board of Trade. Barbados, 7. No. 56; and 44. pp. 120-121.]*

Dec. 23.
Whitehall.

118. Council of Trade and Plantations to Mr. Secretary Vernon. We are unable to give you any opinion as to the tonnage requested by Mr. Grey for want of information as to what has formerly been allowed on the like occasion. We have thought fit to send you copies of a letter written by our order on the 21st inst. (No. 114) to the Secretary of the Admiralty, and of his reply of the 22nd (No. 117), leaving it to you to lay the matter before the King in such manner as you think most proper, that it may receive the necessary expedition. *Signed, Phil. Meadows, John Pollexfen, Abr. Hill, Geo. Stepney. [Board of Trade. Barbados, 44. pp. 121-122.]*

Dec. 23.
Kensington.

119. Order of the King in Council. Referring the petition of Usher Tyrrell to Council of Trade and Plantations for report. *Signed, John Povey. Annexed,*

119. 1. Petition of Usher Tyrrell to the King in Council. I lately submitted a petition to you on which a

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report has been made that the money, for the remission of which I pray, cannot be remitted since it is already appropriated by law. I beg you to recommend my sad case to the Governor and Assembly, whether they will not report that your Majesty may, notwithstanding the law, grant me the relief for which I ask. *Copy. 1 p. The whole endorsed, Recd. Read Dec. 30, 1697. [Board of Trade. Jamaica, 8. No. 81, 811.; and 56. p. 170.]*

Dec. 23.
Boston.

120. John Usher to the Lord Justices of England. I have still to answer that part of your letter of 3 August which refers to Acts of General Assembly. I received this on Saturday, 11 December, while on my way to Hampton. Mr. Stoughton living out of town, I proceeded on my journey without first applying to him. On my arrival in New Hampshire all seemed with a good aspect, Mr. Coffin assuring me that all would go well without any obstruction. I then proceeded as already reported (*see No. 108*) and on my return to Boston I applied to Mr. Stoughton. As Lord Bellomont may be arrived, I dare say that he will give orders therein. As to the laws, the Secretary had strict orders from me that everything should be written fair and sent to the Council of Trade, and always thought this had been done until you informed me to the contrary. The said Secretary is lately dead. For five years' service in General Assembly and Council he never had above £12. He was a true, loyal person, and I hope his failures will be overlooked. In future these matters shall receive more careful inspection. I beg that the laws for the Militia and the Courts may be confirmed and the rest rejected. This will soon make a change in them, for sooner than not have laws to raise money for prudential affairs they will take care to support the honour of the Government. I have not received a farthing since I entered on the Government, and my expense has been very great. I hope that the leaders of disturbance, being persons of estate, will be called to account at Whitehall. *Signed, John Usher. 1 p. Enclosed,*

120. 1. Copy of a letter from John Usher to Lieutenant-Governor Stoughton, Boston, 18 December, 1697. Narrating the occurrences which led to his return from New Hampshire (*see No. 1081.*) and asking for his advice and assistance. *1 p. The whole endorsed, Recd. Read 11 April, 1698. [Board of Trade. New England, 8. Nos. 132, 1321.; and (without enclosure) 36. pp. 359-361.]*

Dec. 23. **121.** Minutes of Council of Montserrat. The impost on liquors and licence for taverns was farmed out to William Frye for 70,000*lbs.* of sugar. [*Board of Trade. Leeward Islands, 64. p. 527.*]

Dec. 23. **122.** Minutes of Council of Maryland. Order for special summons for the meeting of the Council. Order for several persons to attend the Governor and Council at Battletown on the 11th prox. [*Board of Trade. Maryland, 13. pp. 396-398.*]

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Dec. 24. Whitehall. **123.** Council of Trade and Plantations to Mr. Secretary Vernon. Forwarding a report as to the island of St. Christophers pursuant to the King's orders conveyed in his letter of 20th inst. *See following abstract.* [Board of Trade. Leeward Islands, 45. p. 131.]
- Dec. 24. **124.** Council of Trade and Plantations to the King. In reply to your questions as to the demands to be made on your part in respect of St. Christophers or other parts of America, we report as follows. St. Christophers, ever since the first settlement by the English and French, has always been divided into four quarters (each nation having two) besides a peninsula running south towards Nevis, with salt-ponds which did belong to the French alone. But the salt being absolutely necessary to the English as to the French was commonly gathered or shared by both nations, who kept up a friendly correspondence until 1666, when the French took the two English quarters by surprise. By the Treaty of Breda in 1667 the French covenanted to restore this land with all speed, or at furthest within six months, with all the negroes, slaves and other moveable goods. But contrary to this obligation they retained the island till 1671, in spite of several protests and of the immediate cession by us of Acadia. By this undue execution of the treaty the English were endamaged £500,000 sterling. In this state the Island remained until the first year of the present war, when contrary to the first Article of the Treaty of Neutrality of 1686, the French again attacked the English, took the chief fort, drove them off the Island, destroyed most of their plantations and kept the whole until 1690, when Colonel Codrington recaptured the island and sent the French away by capitulation to the other French Colonies in America. Since that time St. Christophers has remained entire in your Majesty's possession, but by the 7th Article of the Treaty of Ryswick the two French quarters are to be restored to them.
- By the 8th Article of the said Treaty, Commissioners are to be appointed to settle the rights and pretensions of both parties to Hudson's Bay, and these Commissioners are to meet in London within three months of the ratification of the Treaty. Your subjects in Hudson's Bay have many complaints to bring before the Commissioners.
- There are several pretensions of your subjects to Nova Scotia or Acadia, wherein not only private rights are concerned, but complaints are made of French encroachments on your dominions, and doubts are raised as to the possession of Port Royal and St. Johns, and as to fishing rights.
- In Newfoundland the French do not appear entirely to have quitted the English ports nearest to Placentia. A timely demand should be made lest they endeavour to ground claims on the omission thereof.
- As to St. Christophers the Treaty of Neutrality contains provisions as to the right to fetch water and salt, but as it is not clear how far this Treaty is revived or confirmed, there may be further consideration required in order to a reciprocal agreement. The inhabitants of the Leeward Islands have asked that you will retain St. Christophers wholly for yourself by giving the French an

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equivalent; and since the Treaty of Ryswick empowers the commissioners to exchange territory for mutual advantage, we think that orders should be given to settle this and other matters. Signed, J. Bridgewater, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen, Geo. Stepney. 6 pp. [*America and West Indies*. 601. No. 49; and *Board of Trade*. Leeward Islands, 45, pp. 131-139.]

Dec. 27. **125.** Minutes of Council of Maryland. Mr. Randolph's commission to swear the Governor recorded, and the instructions of the Commissioners of Customs as to Trade, etc., produced. An order for the appointing of certain gentlemen to be officers of an Admiralty Court was likewise read; but Sir Thomas Laurence declined the judgeship. A commission to the Governor to appoint officers of Courts of Admiralty in Maryland, Pennsylvania and West Jersey was also read and recorded. [*Board of Trade*. Maryland, 13. pp. 398-399.]

Dec. 28. **126.** Minutes of Council and Assembly of Antigua. Address from the Assembly to the Governor, praying him to send to Barbados all the depositions concerning Tankard's sloop, soon to be tried in that island, to the end that such wicked proceedings may not go unpunished. The Governor concurred. Second message from the Assembly asking that the said depositions may be sent to Barbados in charge of some honest gentleman, and that the vessel that carries them may call at Martinique to remonstrate against the depredations of French privateers since the declaration of peace, and to bring away English prisoners from thence to man the King's ships. The Assembly further asked that the platform at Parham might be begun. Message from the Council to the Assembly, laying before them the libellous letter signed J. Johnson, and a letter of Edward Walrond for their opinion, also further depositions against Barry Tankard. The Assembly again represented the importance of passing the Acts for regulating fees and for regulating the numbers of the Assembly. Orders for several payments. [*Board of Trade*. Leeward Islands, 64. pp. 227-232.]

Dec. 28. **127.** James Vernon to Council of Trade and Plantations. With reference to your report of 24th inst., it is the King's pleasure that you prepare the necessary orders for restoring to the French, pursuant to the Treaty, that part of St. Christophers which they possessed before the war, together with a draft of such instructions as you think fit to send with those orders as to the manner of delivering up the said territory and as to the limitations for securing to the King's subjects inhabiting there the same advantages as they formerly enjoyed. The King directs you also to consider of such particulars as will be fit to propose to the French Commissioners who will be sent here to determine the matters mentioned in the 8th Article of the Treaty. Signed, Ja. Vernon. [*Board of Trade*. Leeward Islands, 5. No. 65; and 45. p. 140.]

Dec. 28. **128.** Memorandum that the preceding letter was received and read on the 29th December, 1697. $\frac{1}{4}$ p. [*Board of Trade*. Plantations General, 4. No. 81.]

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Dec. 28.
Worming-
hurst.

129. William Penn to William Popple. "I send herewith
"the laws desired. I forbore doing of it sooner because I perceived
"the Lords were full, and that those of other colonies stuck in their
"passage. I also hoped to have been in town sooner, but my
"steward's death and consequents prevented me. I hope they will
"not lie long at Whitehall, and I shall take care that they have
"their dispatch at the Attorney-General's. Thy very assured
"friend, Wm. Penn. *Holograph*, 1 p. *Endorsed*, Letter from Mr.
Penn with the laws of Pennsylvania. Recd. 30, Read 31 Dec.,
1697. [*Board of Trade*. Proprieties, 2. No. 7; and 25. p. 189.]

[Dec. 29.]

130. Extract from a letter from Paris. Another company is
forming for the re-establishment of several colonies in the tract of
country in America between the 30th and 40th degrees, which was
discovered by the late Mons. Lasalle. The beginning of this company
is founded on thirty shares of 10,000 livres tournois each, to which
none but merchants will be admitted. The King has granted them
the ownership of all the extent of country which they will possess
as a fief issuing from the Crown. The King grants them eight
companies of infantry with their officers, who will receive their
orders directly from them, and will be commanded in chief by one
nominated by them. The King further grants them two ships of
war, a frigate, a corvette and three large transports to carry the
troops, the various workmen which they will need to begin the
settlement, those who are ready to settle there, and eighteen months'
provisions for all. They are informed that the land by the Gulf of
Mexico abounds greatly in many things such as indigo and [*word*
lost], that there are gold and silver mines and that the vicinity of
the Spaniards, with whom they give out that they are on good
terms, will give them an opening for advantageous trade with them.
French. 1½ pp. *Endorsed*, Communicated by Mr. Blathwayt, 29
Dec., 1697. [*Board of Trade*. Plantations General, 4. No. 82.]

Dec. 29.

131. Memorandum of the receipt of a letter from Paris from
Mr. Nelson as to the designs of the French for encroachment on
New England. Recd. Read 29 Dec., 1697. ½ p. [*Board of Trade*.
New England, 8. No. 133.]

Dec. 29.

132. Journal of Council of Trade and Plantations. Mr.
Secretary Vernon's letter of yesterday received and read (No. 127).
Order for the office to be searched for precedents, and for the
Secretary to write to Mr. Crown about Penobscot.

Sir William Beeston's letter of 11 September read. Order for a
letter to the Treasury to be drafted thereupon.

Mr. Nelson's letter of $\frac{3}{12}$ December read (No. 82).

Order for a letter to the Attorney and Solicitor-General, pressing
them to despatch the Acts of the Colonies now before them.

Governor Codrington's letter of 22 August read. Order for a
representation on the subject of New Tertholen [Tortola] to be
prepared.

Mr. Blathwayt communicated a letter from Paris as to a new
American Company now forming in France (No. 130). Order for
a memorandum to be kept to lay the matter before the King.

1697.

Order of Council of 25 November last as to ports in New Jersey read (*No.* 69).

Colonel Gibsone communicated a letter that he had received from Newfoundland, complaining of the badness of the beer in the provision-ships. It was left to him to draw out an extract of whatever he had to offer.

Order for letters to be prepared to Rhode Island and Connecticut, bidding them send over copies of their laws.

Order for four or five pounds to be given in New Year's gifts to the Chamber-keepers of the two Secretaries of State and of the Treasury.

Dec. 30.

The Board agreed upon a letter to Mr. Secretary Vernon asking him to search his office for precedents for the orders to be given on the restitution of St. Christophers.

Draft letters to the Treasury as to Sir William Beeston's late letter, and to the Attorney and Solicitor-General as to regular despatch of the Acts of the Colonies, agreed to.

Order for a letter to Mr. Day, to ask him why he is not yet departed and to press him to diligence.

Mr. Gilbert Heathcote asked for the Council's consent to printing the laws of Jamaica, which was granted. Being pressed as to the number of white servants which Jamaica might conveniently take, he said three or four hundred, if the Act for white servants were enforced. Order in Council of 23rd inst. as to Usher Tyrrell's petition received and read (*No.* 119).

Order for a letter to the Hudson's Bay Company to ascertain what they have to demand of the French on the Treaty of Peace.

Order for a letter to Mr. Penn, to press for the security to be given by owners of Proprietary Colonies for observance of the Acts of Trade by their governors.

Dec. 31.

The Secretary reported that Mr. Day had been to the office, and explained that he was detained by the delay in despatching his commission, etc.

Mr. Penn's letter, with the laws of Pennsylvania, also several laws of the Leeward Islands, were laid before the Council. Order for lists of both to be drawn up.

The letters to the Treasury, Mr. Secretary Vernon, and the Attorney and Solicitor General were signed. (*Nos.* 139-141.)

The advices as to pirates in Mr. Vernon's letter of 22nd inst. were read. [*Board of Trade. Journal, 10. pp.* 380-387.]

Dec. 30.
Whitehall.

133. William Popple to Samuel Day. The Council of Trade thinking it a little strange that they have not heard of your despatch to Bermuda, have commanded me to enquire the reason of it, and to let you know that the King's service therein requires your diligence. [*Board of Trade. Bermuda, 29. p.* 51.]

Dec. 30.
Whitehall.

134. William Popple to William Penn. You are reminded to send copies of the laws of Pennsylvania to the Council of Trade. The Council further desires your positive answer to what I writ you on 8 May about the security required of you, as of other Proprietors, for the due observance by your governors and deputy-governors, of the Acts of Trade. [*Board of Trade. Proprietors, 25. p.* 189.]

1697.
Dec. 30. **135.** Minutes of Council of Barbados. The order for proclamation of peace, and the proclamation itself, from Whitehall, were read. The President then gave the Assembly a letter from the Agents and the order for publishing the peace. The Assembly brought in a bill for appointing Agents, a resolution for payment of £100 to William Rawlins for collecting the laws, and addresses for payment of their officers' salaries. Order for the proclamation of peace to be published. [*Board of Trade.* Barbados, 65. pp. 268-269.]
- Dec. 30. **136.** Minutes of Council of Maryland. William Wyvill was appointed Riding-surveyor, William Bladen, Collector of Annapolis, and several other officers were likewise appointed by Mr. Randolph. Sundry orders were thereupon issued. [*Board of Trade.* Maryland, 13. pp. 399-401.]
- Dec. 30. **137.** Minutes of Council and Assembly of Nevis. The Assembly concurred in a proposal of the Council for the new billeting of Holt's company of soldiers. Message from the Assembly to the Council asking them to concur in a proposal that, since an importer has refused to pay duty on certain liquor on the ground that the Act for the duty is expired, it shall be asserted that the Act is in force and that any trial of the case shall be held in Nevis. [*Board of Trade.* Leeward Islands, 64. pp. 444-445.]
- Dec. 31. **138.** Minutes of Council of Massachusetts. Order for sale of the fire-ship Fortune. Orders for payment of £935 to John Walley, Commissioner for War, of £9 to Bartholomew Green for printing Acts and Laws, of £10 to Sheriff Timothy Phillips for charges on account of prisoners accused of witchcraft in 1692, of £20 to Captain John Wing for extraordinary service at Pemaquid, and of £96 15s. 0d. for fitting the Council Chamber for reception of the Earl of Bellomont. [*Board of Trade.* New England, 49. pp. 137-140.]
- Dec. 31.
Whitehall. **139.** Council of Trade and Plantations to Mr. Secretary Vernon. In reply to your letter of 28th inst. (No. 127) we have searched the books and papers in our custody and can find no instrument nor orders for the restitution of any place, either by us to the French or by the French to us, which might guide us in drawing up what is required. We beg you therefore to cause the office of the Secretary of State or the Paper Office to be searched for a proper precedent. Signed, J. Bridgewater, John Pollexfen, Abr. Hill, Geo. Stepney. [*Board of Trade.* Leeward Islands, 45. pp. 145-146.]
- Dec. 31.
Whitehall. **140.** Council of Trade and Plantations to the Lords of the Treasury. Forwarding an extract from Sir William Beeston's letter of 11 September last, respecting his application of £1,000 of the soldiers' subsistence-money to the expense of victualling the men-of-war, for their directions. Signed, J. Bridgewater, John Pollexfen, Abr. Hill, Geo. Stepney. [*Board of Trade.* Jamaica, 56. p. 173.]

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Dec. 31.
Whitehall. **141.** Council of Trade and Plantations to the Attorney and Solicitor-General. Urging upon them the necessity of despatch in giving their opinion as to the confirmation or disallowance of laws of the Colonies which are submitted to them, such despatch being absolutely necessary for the King's service. *Signed, J. Bridgwater, John Pollexfen, Abr. Hill, Geo. Stepney.* [*Board of Trade. Plantations General, 34. pp. 219-220.*]
1698.
Jan. 3. **142.** Minutes of Council of Maryland. Edward Randolph produced a commission to Robert Dacres, to be surveyor of Somerset County, and Dacres was accordingly sworn. [*Board of Trade. Maryland, 13. pp. 401-402.*]
- Jan. 3. **143.** Minutes of Council and Assembly of Nevis. The Council and Assembly agreed to a payment for a hired sloop to carry the news of the peace to Antigua. The Assembly resolved to send a letter to the Council of Trade together with copies of its journals. The Assembly proposed that a list of negroes be taken in order to the raising of a levy. The Council declared its concurrence with the Assembly's message of 30 December. [*Board of Trade. Leeward Islands, 64. pp. 445-446 and 456-458.*]
- Jan. 3. **144.** Minutes of Council of Barbados. The Assembly returned the papers which had been sent to them for consideration. Order for the release of a French ship, captured by H.M.S. Newcastle since peace was concluded. Captain Reeves submitted a list of stores needed for H.M.S. Newcastle's homeward voyage, which list was submitted to Mr. Lascelles with the request that he would supply what was required. Order for Captain Reeves to prepare to sail immediately and that a survey be made of all the King's stores. Order for Captain Vincent Cutter to sail with H.M.S. Bonaventure to Martinique, taking the French prisoners with him, and bring hither such English prisoners as are there; also that he take with him the French mulatto who had proved himself to be a free man. Order for the homeward-bound fleet to sail on the 8th. Account of charges for a hired sloop passed. The Assembly brought up a bill to appoint a Treasurer, and asked that the bills concerning Agents and Grand Sessions, now before Council, be despatched. The President informed them of the orders, above recorded, which he had given, and recommended to them the applications of the Captains of the King's ships and the letter of Mr. Edwards, the engineer. Bill to ascertain the powers of the Assembly read as amended by Committee and passed.
- Jan. 4. No quorum. Copy of a letter from the Council to the King congratulating him on the conduct of the war and the happy conclusion of the peace. [*Board of Trade. Barbados, 65. pp. 269-272.*]
- Jan. 3.
New Hampshire. **145.** Lieutenant-Governor Partridge to Council of Trade and Plantations. It is now twelve months since I arrived here with a Commission as Lieutenant-Governor superseding that given to Mr. John Usher. It was forthwith signified to the inhabitants by proclamation, but finding myself wanting an oath prescribed to all Governors by Act of Parliament, and understanding that a person was shortly coming over to administer the same, I deferred

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taking over the Government and left it in the hands of the President and Council, as is directed by my Commission in the absence of the Governor and Lieutenant-Governor. Mr. Usher, however, tried to disturb us, and, as I understand, has complained of us to you, whereupon to prevent the like, I have by the Council's advice assumed the Government. I hope that I shall not be blamed herein, having no design but peace and the King's service, and I hear moreover that the time for taking the oath is extended to 25 March next, and that Mr. Randolph is coming over to administer it. Thus we remain at present until Lord Bellomont shall arrive. The General Assembly has given you an account of affairs here. *Signed*, Wm. Partridge. 1 p. *Endorsed*, Recd. Read 6 April, 1698. [*Board of Trade*. New England, 9. No. 1; and 36. pp. 351-352.]

Jan. 3.
Kensington.

146. The King's Commission to Governor Codrington for restoring the French portion of St. Christophers. *Copy*. 1 p. [*Board of Trade*. Leeward Islands, 5. No. 66; and 45. pp. 164-166; and *America and West Indies*. 551. No. 87.]

Jan. 3.
Kensington.

147. Instructions to Governor Codrington for restoring the French portion of St. Christophers. While re-delivering possession he is to claim the former right enjoyed by the English on the Island, and by English ships of fetching salt from the salt-ponds. [*Board of Trade*. Leeward Islands, 45. pp. 160-162.]

[Jan. 3.]

148. Memorial of the Bishop of London to the Lords of the Treasury. By the King's command I lay this memorial before you. The late King Charles II., out of great compassion to his Plantations in the West Indies, which till then had been almost destitute of a ministry, granted a bounty of £20 to each chaplain that should go over to supply the great want there was in those parts. This was bestowed all the time during his reign and that of King James II., and was continued during his present Majesty's reign until this last year's difficulties put a stop to it. It is therefore prayed that the King will renew his former bounty in this behalf, by reason of the great want there is in those parts through the sickness that has carried off many ministers in the Southern Plantations, the scarcity that is in Virginia, and particularly the erection of several new parishes in Maryland. *Signed*, H. London. *Holograph*, $\frac{1}{2}$ p. *Endorsed*, Delivered to the Board by his Majesty's order. Recd. Read 3 June, 1697-8. [*Board of Trade*. Plantations General, 4. No. 83; and 34. p. 220.]

Jan. 3.
Falkland,
Spithead.

149. The Purser of H.M.S. Falkland to Council of Trade and Plantations. I have a packet in charge to deliver to you from Mr. Addington, the Secretary at Boston, but not knowing how soon I may get leave to London, I send it on by this post, having taken a receipt for it. *Signed*, T. Wilkins. $\frac{1}{2}$ p. *Endorsed*, Read 4 Jan., 1698. [*Board of Trade*. New England, 9. No. 2.]

Jan. 3.

150. Journal of Council of Trade and Plantations. Draft representation as to Tortola agreed on.

A memorial of the Bishop of London to the Treasury for an allowance of £20 apiece to ministers going to the Colonies was received (No. 148).

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Jan. 4.

Mr. Boun and Mr. Sedgwick, Governor and Deputy-Governor of the East India Company, attended, and being asked what they had to propose as to piracy, requested that the King would send a small squadron to rout them out of their settlement in Madagascar. Order for Captain Warren to attend on Friday morning next.

Mr. Crown's memorial as to Penobscot received (*No.* 151).

Jan. 7.

The Council met in Essex Street owing to the burning of its apartments in Whitehall on the 4th inst., when, however, the books and papers were saved by the diligence of the officers, and conveyed to the Secretary's house.

Order for Captain Warren to attend on Monday.

Mr. Secretary Vernon's letter of 4th inst., enquiring as to Governor Codrington's instructions for restitution of St. Christophers read (*No.* 152). The Lords agreed upon draft instructions and a covering letter to Mr. Vernon, and ordered them to be written fair. Representation as to Tortola signed (*No.* 156). [*Board of Trade Journal*, 10. pp. 388-392.]

[Jan. 4.]

151. Memorial of John Crowne concerning the English title to Penobscot and lands adjacent. In 1621 King James I. granted Nova Scotia to Sir William Alexander, who in 1630 made over his right to Sieur Claud de St. Etienne, Lord de la Tour, his son Charles and their heirs. The said Claud and Charles were French Protestants, who for liberty of their religion had left France many years before, and for their good service done in promoting the settlement were both created baronets of Nova Scotia. About 1631 King Charles I. agreed to make over Nova Scotia to France, for what reason is unknown, the French having no pretence to it since it had been both discovered and planted by subjects of England and had been named Nova Scotia by King James I. Before delivery of the country King Charles I. stipulated with the French that the said Sieurs de la Tour should enjoy their rights in Nova Scotia, the King himself being bound in honour to take care of him, as is shown by an original letter from Sir William Alexander to Sieur Claud. Accordingly the Sieurs de la Tour did enjoy their rights, though with much molestation from the French Governors, and on the death of Sieur Claud, Sieur Charles became proprietor of Nova Scotia. Many years before this some inhabitants of Plymouth in New England discovered Penobscot and began to seat themselves there, many leagues to westward of Nova Scotia, but being much disturbed by the French Governors of Nova Scotia they began to neglect it; and when Sieur Charles aforesaid became proprietor of Nova Scotia he built a fort at Penobscot and took all the lands extending from thence to Musconeus, bordering on Pemaquid. About the year 1654 Major Sedgwick by Cromwell's orders sailed to require the French Governor to deliver it up, and found Sieur Charles de la Tour in possession of both Nova Scotia and Penobscot, which Sieur Charles quietly resigned to Sedgwick, for having suffered great oppression from the French Governor he desired to live under English protection. Shortly afterwards he obtained a grant from Cromwell to enjoy his lands, and then by deed of 20 September, 1656, he made over all his right and title to Penobscot and Nova Scotia

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to Thomas Temple and William Crowne for the sum of £3,300, reserving, however, to himself considerable annual profits. The three proprietors aforesaid then went over to take possession, Temple holding Cromwell's Commission to be Governor. Shortly afterwards Temple and Crowne divided their lands, and Crowne made over by deed to Temple the whole of Nova Scotia, while Temple, by deed of 12 September, 1657, made over Penobscot to Crowne from the Machias in the east to the Musconcus, the two interchanging bonds of £20,000 to abide by the agreement. For some time Crowne possessed Penobscot quietly, built a trading-house far up the river Penobscot at Negue, and called the place Crowne's Point. Temple, however, finding there was a great beaver-trade at Negue, pretended that Crowne had broken some article or another and took from him by violence his fort at Penobscot, the trading-house at Negue and all his lands; and the Courts in New England were so partial to Temple that Crowne could obtain no justice from them. At the Restoration both Crowne and Temple came over to England, proved their title and were permitted to repossess their lands. Crowne threatening to complain of Temple to the King and Privy Council, Temple persuaded him to forbear, promising him restitution and reasonable satisfaction. Temple further gave Crowne letters to his Agent in New England to restore Penobscot and his other lands to him, but on arriving in New England Crowne found that Temple had written to his Agents in a contrary sense. Temple was then created a baronet of Nova Scotia, and obtained a Commission as Governor of that and of Penobscot, but on his arrival Crowne complained of his shameful proceedings, which Temple could not justify. He therefore persuaded Crowne to grant him a short lease of Penobscot and the rest of his lands, and several merchants of New England were bound for payment of rent, but Temple kept the lands and paid no rent, nor would the Courts of New England interpose, saying that the matter lay without their jurisdiction. So it continued until 1668, when at the Treaty of Breda, the French prevailed with King Charles II. to surrender Nova Scotia. Sir Thomas Temple knew very well that Penobscot formed no part of Nova Scotia, but from hatred of Crowne and to disable him from taking proceedings at law against him he gave up Penobscot as well as Nova Scotia to the French. King Charles was extremely displeased when he heard of this, and would not consent to it. Not long afterwards war broke out between France and Holland, when the Dutch took Penobscot from the French, levelled the fort with the ground and then entirely quitted it. Shortly afterwards King Charles commissioned the Governor of New York to take Penobscot and the adjacent lands under his jurisdiction, which he did, and put a garrison into the trading-house at Negue or Crowne's Point. William Crowne being dead, his son John, hearing that the Duke of York had begged Penobscot of the King, petitioned the Duke to restore it to him and was by him referred to the commissioners of his revenue. The cause lay before them undetermined during the latter end of King Charles's reign and the whole of King James's. It is thus plain that the French have no pretence to Penobscot, for the English discovered it and English subjects possessed it nearly forty

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years. The French had it for a short time in King Charles's time, but got it not by virtue of a treaty but by the treachery of Sir Thomas Temple. They lost it very soon to the Dutch, and on their quitting it both of the last kings enjoyed it quietly to the end of their reigns. 6 pp. *Endorsed*, Recd. 4 Jan., 1697-8. [*Board of Trade*. New England, 9. No. 3; and 36. pp. 333-339.]

Jan. 4.
Whitehall.

152. Mr. Secretary Vernon to William Popple. The King has ordered an advice-boat to be prepared with all speed to carry his orders to Governor Codrington at the Leeward Islands. How soon will the Council of Trade's instructions be ready, which are to accompany the commission for restoring to the French their part of St. Christophers? *Signed*, Ja. Vernon. $\frac{1}{2}$ p. [*Board of Trade*. Leeward Islands, 5. No. 67; and 45. p. 158.]

Jan. 7.
Essex Street.

153. William Popple to the Attorney and Solicitor-General. Immediately before the late fire at Whitehall, the Council of Trade ordered me to send you the Laws of Pennsylvania with some for the Leeward Islands to you for your opinion. I send them accordingly. [*Board of Trade*. Plantations General, 34. p. 221.]

Jan. 7.

154. List of the laws of Pennsylvania sent on 7 January to the Attorney-General for his report. 6 pp. [*Board of Trade*. Proprieties, 2. No. 8; and 25. pp. 190-194.]

[Jan. 7.]

155. A list of three Acts passed in Montserrat, and fifteen Acts passed in Antigua, in the years 1696 and 1697. $2\frac{1}{2}$ pp. *Endorsed*, Sent to the Attorney and Solicitor-General, 7 Jan., 1697-8. [*Board of Trade*. Leeward Islands, 5. No. 68; and 45. pp. 146-149.]

Jan. 7.
Whitehall.

156. Council of Trade and Plantations to the King. Some time since the Envoy of the Elector of Brandenburg presented to you a memorial asking for the island of New Tortola to be placed in possession of Peter van Bell, acting for Joseph Shepheard. Having received Governor Codrington's report thereon, we represent as follows. In the third year of King Charles I., a grant of all the Caribbee islands between the 10th and 22nd degrees of latitude was made to the Earl of Carlisle, in virtue of their having been first discovered by the English. It does not appear that Joseph Shepheard had any right to Tortola prior to that of England. The envoy says that the island was afterwards placed in trust in Sir William Stapleton's hands, but he produces no proof of that trust. Governor Codrington tells us that he can find no one who knows anything of the Dutch title to the island, from which Joseph Shepheard claims his title by purchase, and that though the island was a short time since settled by some English it is now wholly deserted. In 1694 you ordered the Governor of the Leeward Islands to assert your right to the Virgin Islands and to hinder the settlement of them by foreigners. Governor Codrington further represents the injury that may be done to English trade by a settlement of Brandenburgers in Tortola. We think that the claimant's title is not made out, and that the concession of it would be disadvantageous, but looking to the Elector's intercession in the matter, we think that, in view of the small value set upon the

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island, some compensation might be granted. *Signed*, J. Bridgewater, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Abr. Hill. [*Board of Trade*. Leeward Islands, 45. pp. 150-157.]

Jan. 7.

157. Council of Trade and Plantations to Mr. Secretary Vernon. We forward draft instructions for the restitution of the French part of St. Christophers; and we hope to report shortly as to other matters to be submitted to the Commissioners of the two countries upon the late Treaty. *Signed as the preceding*. [*Board of Trade*. Leeward Islands, 45. p. 159.]

Jan. 8.

[Barbados.]

158. Earl of Bellomont to Council of Trade and Plantations. I have had the misfortune to be driven off the coast of New York by violent storms which broke our shrouds and other parts of our rigging, and since the officers feared that our main-mast would come by the board we bore away to Barbados, where we arrived on the 5th inst., and find the Island very healthy. Our ship was very weakly manned, which was one reason why the captain thought it necessary to bear away, for by the men's continual labour during the bad weather, which I believe lasted a fortnight, they were so wearied out that we had not hands enough to work the ship. Besides we had not water enough to last much longer. Since my arrival here a Boston ship, bound thither from Madeira, has come in here, having been driven off the coast of New England by the same storm that drove us. Within four or five days we were separated from our transport-ships and the rest of our convoy by bad weather, though we made as little sail as possible to bear them company. It has been no small disturbance to me to miss getting into New York, but I shall endeavour to make up lost time by more than ordinary industry after I arrive. The captain promises to refit the ship by the 7th prox., when we shall sail again for New York. *Signed*, Bellomont. 1½ pp. *Endorsed*, Recd. 16th. Read 17th March, 1697-8. [*Board of Trade*. New York, 7. No. 55; and 52. pp. 303-4.]

Jan. 8.

[Barbados.]

159. Earl of Bellomont to William Popple. I must refer you to my letter to the Council for our voyage. I must add that neither H.M.S. Fowey nor any of the ships that started under our convoy are yet come here. The Arundel, a fifth-rate frigate, arrived from Boston on the same day as ourselves, and reported that our two biggest merchant ships arrived safely in Boston before his departure, and that peace was proclaimed there on the 11th ult. A sloop sails hence to Pennsylvania in a few days, by which I will send Governor Fletcher the proclamation of peace, though I hope that he will already have received it from Boston. At least a dozen ships have come in here from Boston since my arrival. All the masters report that the storm which drove us off the coast was so violent that the Fowey and the other ships could not have made it, which puts us in some pain for them, but we hope they may have put in at Bermuda or some of the Leeward Islands. I dissuaded Sir Henry Ashurst from putting the persons sent to survey the forests of New England and New Hampshire on board the Deptford, but he would not listen, and now they are driven here with me, which will delay their business. Sir Henry obtained an

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order from the captain of our ship to carry them to New York, which was too much out of their way even if we had arrived there. A ship is come from New Hampshire with accounts (which are confirmed by the ships from Boston) that the Eastern Indians have made several incursions lately upon New England and New Hampshire, murdering many families in a most barbarous manner. I believe it would be easy to engage the Five Nations to make war on them and extirpate them; and so say some people from New York whom I meet here. If the Council of Trade will send me orders to that effect I will try what can be done. The Surveyors are mightily frightened by these reports of the Eastern Indians, and I doubt if they will venture to view the woods in those eastern parts without a strong guard, which I hope the people of New England will be prevailed with to furnish. We hope to sail again on the 7th prox. *Signed*, Bellomont. $2\frac{1}{2}$ pp. *Endorsed*, Recd. 16th, Read 17th March, 1697-8. [*Board of Trade*. New York, 7. No. 56; and 52. pp. 304-306.]

Jan. 10. **160.** Memorial of Lieutenant-Governor James Norton to Council of Trade and Plantations. Praying for tonnage for the transport of himself, his wife, two children, seven servants, six or seven tons of household goods, and ten recruits for his company, to St. Christophers. $\frac{1}{2}$ p. *Endorsed*, Recd. Read 10 Jan., 1697-8. [*Board of Trade*. Leeward Islands, 5. No. 69; and 45. p. 166.]

[Jan. 10.] **161.** Petition of Jeronimy Clifford to Council of Trade and Plantations. I lately presented a petition to the King concerning several injuries done me in Surinam. This "sispute" depends on the Articles of Capitulation made between William Byam, James Banister and Abraham Qurynson concerning the surrender of Surinam to the Dutch in 1667. I beg therefore that you will grant me copies of these articles from your office. $\frac{1}{2}$ p. *Endorsed*, Recd. Read 10 Jan., 1697-8. [*Board of Trade*. Plantations General, 4. No. 84.]

Jan. 10. **162.** Journal of Council of Trade and Plantations. Duplicate of Lieutenant-Governor Stoughton's letter of 30 September, 1697, received, together with a long list of papers from Massachusetts.

Petition of Jeronimy Clifford read (No. 161), and order given for the papers for which he asks to be delivered to him.

Captain Warren attended and gave information as to the pirates in the East Indies. Order for a representation to be prepared on the subject.

Memorial of Captain Norton read (No. 160), and the Secretary ordered to write to the Admiralty thereupon.

Governor Fletcher's letters of 2 July and 16 November read.

Jan. 12. Order for a new draft of the representation as to pirates to be prepared.

Jan. 13. The Secretary was ordered to ascertain if any rooms had been appointed for this Board among those fitted up by Sir Christopher Wren in the Cockpit.

The Solicitor-General having returned some of the Acts that were in his hands, but not others which had lain with him for still longer, the Secretary was directed to request to despatch them all.

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The new representation as to pirates in the East Indies was signed.

Jan. 14. Mr. Bridgeman's letter of 13th inst. read (No. 170).

The Council wrote a letter to Mr. Secretary Vernon to enquire as to the accommodation that was to be given to it; since it appeared that Sir Christopher Wren had received no orders therein. [*Board of Trade. Journal*, 10. pp. 392-398.]

Jan. 11. **163.** William Popple to the Secretaries of the Admiralty. Essex Street. The Council of Trade desires to be informed what ships of war are appointed for the Colonies, with particular reference to Captain Norton's request for tonnage to carry himself, family, baggage and recruits to the Leeward Islands. Can such tonnage or any part thereof conveniently be made in the convoy bound for that station? [*Board of Trade. Leeward Islands*, 5. p. 167.]

Jan. 11. **164.** William Popple to the Secretaries of the Admiralty. Enquiring what ships are appointed for the several Plantations, and when they will be ready to sail. [*Board of Trade. Plantations General*, 34. p. 221.]

Jan. 11. **165.** Receipt of the Government of Rhode Island for certain letters from the Council of Trade, delivered by Jahleel Brenton. Signed, Wes. Clarke. Scrap. Endorsed, Recd. 10 Oct., 1698, from Mr. Brenton. [*Board of Trade. Proprieties*, 2. No. 9.]

Jan. 11. **166.** Minutes of Council of Maryland. The Council met at Battletown. The letters from England as to the peace and the Courts of Admiralty were read. George Robotham was appointed Admiralty Judge for the Eastern, and Thomas Tench for the Western shore. The Governor took the oaths for enforcement of the Acts of Trade. The collectors at Patuxent and Potomac were informed by Mr. Randolph that their salaries would be raised. Edward Randolph then produced a commission as Surveyor-General of prizes. The Governor acquainted the Council with his intention to call an Assembly, and the Council agreed that it should be summoned for the 23rd of February. Proclamation for the calling of an Assembly and for further adjournment of the Provincial Court. Order for all electors to have notice of the coming elections. Order for militia-officers to send in lists of their men and arms, and to signify to their delegates, when elected, their opinion as to the necessity or otherwise of new-modelling the militia. Ordered further that the delegates acquaint themselves with the conditions of the militia in each county, and inform themselves as to the disposal of the public levies, about churches, grievances and resident Indians, of which last the gentlemen appointed to decide differences between English and Indians will give them an account. Order for all vestries to send in their accounts, for all public claims to be sent in by the delegates, and for collectors, naval officers and all other receivers of public money to bring in their accounts. The gentlemen specially summoned were then called in, and the Governor communicated to them several charges drawn up against him by Gerard Slye, of which they were said to be able to attest the truth. He then put to them the 1st charge, of intercepting letters; the 5th, of

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arbitrary seizure of men's estates; the 6th, of granting special commissions to all spiritual courts; the 14th, of establishing Annapolis in an inconvenient place; and several more, all of which the witnesses named by Mr Slye denied to be true on oath.

Jan. 12.

Further of Slye's accusations were read and, like the rest, denied. The Governor thereupon ordered the King's lawyers to prosecute Slye, and collect certain abusive letters written by him as evidence. Order for certain money due to the public by John Coode to be secured on his effects. Order for prosecution of Robert Mason for holding secret correspondence with John Coode. The Justices of Somerset County acquitted themselves of contempt for the Governor in the matter of James Cranford. On a dispute between Edward Randolph and Peter Jennings as to the limits of Patuxent district, it was ordered that Randolph revoke certain of his Commissions and issue new. [*Board of Trade. Maryland, 13. pp. 402-413.*]

Jan. 12.

167. The Solicitor-General to Council of Trade and Plantations. I have considered six Acts of Jamaica (*list given*) and find nothing to object to them, except that I cannot judge as to one clause of one of them which repeals certain other Acts, since those Acts are not before me. *Signed, Jo. Hawles. 1 p. Endorsed, Recd. 13 Jan. Read 4 Feb., 1697-8. [Board of Trade. Jamaica, 8. No. 82; and 56. p. 174.]*

168. President and Council of Barbados to Council of Trade and Plantations. We have had no safe conveyance to carry our public papers to you since 19 June, for though we allowed one vessel to sail in August we could not think that a sufficient opportunity. On the 27th September arrived the remains of our late unfortunate London fleet, with your orders for keeping all ships to go together under the Newcastle's convoy. About that time we had the rumour of a peace, and that the French had four large men-of-war at Martinique, so we thought it best to detain our ships here. And thus matters stood until on 28 December we received your orders to publish the peace, which we did on the 30th with great joy. On the 7th December the French took a London ship within sight of this Island and carried her into Martinique, but they having earlier intelligence of peace than we, she was released. The Newcastle also released a French prize which she had taken. We are under great difficulties in getting the King's ships fitted with necessaries for want of a credit. Though we, as well as former Governors, have pressed this upon the Assembly to obtain their help, yet they will not be prevailed on to do anything, fearing (as they say) that it may become a duty hereafter beyond what the country is able, together with payment of other taxes, to bear. The merchants also will not take the captain's or purser's bills of exchange unless they have security that they will be punctually met. This is the reason why we cannot send home the Newcastle and Bideford now, though we hope they will be ready in fourteen days, for seeing that the Assembly will do nothing towards their supply, we, the members of the Council, have undertaken in our private capacity to give security to the merchants who will furnish them with necessaries, rather than that the King's service should suffer. The captains tell us that the charge will be from £500 to

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£600 for carpenter's, boatswain's and gunner's stores. We beg that the captain's bills may be duly paid when they arrive and ourselves indemnified. Since the proclamation we have thought it for the benefit of all parties to let the merchant-ships sail when they please after due performance of all duties; and they will carry the present letter; but the journals of Council and laws of the past six months we shall send by the men-of-war. *Signed*, Fran. Bond, Prest., Geo. Lillington, Geo. Andrews, Wm. Sharpe. $1\frac{1}{2}$ pp. *Endorsed*, Recd. 16th, Read 21st March, 1697-8. [*Board of Trade*. Barbados, 7. No. 57; and 44. pp. 140-142.]

Jan. 12.

169. The Solicitor-General to Council of Trade and Plantations. I have perused the Acts passed in Barbados from 9 October, 1694, to 1 July, 1696, and find nothing to object to in nineteen of them (*list given*). An Act of 1694 for remission of excise duty to Jonathan Langley, three Acts of 1694-1695, and one Act to encourage privateers, being all in diminution of the King's revenue, I do not know how it is fit that they should be confirmed. As to the Act of 20 June, 1696, to encourage the bringing of Christian servants, I certify that an Act of the like effect from another Colony has heretofore been refused, lest it should encourage kidnapping or stealing of white servants, wherefore I conceive that this Act should not be confirmed. *Signed*, Jo. Hawles. $2\frac{1}{4}$ pp. *Endorsed*, Recd. 13 Jan., 1697-8. [*Board of Trade*. Barbados, 7. No. 58; and 44. pp. 122-127.]

Jan. 13.
Admiralty
Office.

170. William Bridgeman to William Popple. In reply to yours of 11th, the following ships have been appointed and will very shortly be ready to proceed, viz., the *Speedwell* for Barbados, the *Queenborough* for the Leeward Islands, and the *Sandadoes* (prize) and *Maidstone* for Jamaica. Besides these, the *Essex*, sixth-rate, is gone to attend on Virginia, and the *Swift*, advice-boat, on Maryland, to enforce the Acts of Trade. As regards accommodation for Captain Norton, who goes Lieutenant-Governor to St. Christophers, there can be but little convenience in the *Queenborough*, being a sixth-rate. I must remind you also that it is not usual for men-of-war to carry Governors, with their families and goods, without immediate direction from the King. *Signed*, William Bridgeman. 1 p. *Endorsed*, Recd. Read 14 Jan., 1697-8. [*Board of Trade*. Plantations General, 4. No. 85; and 34. p. 228.]

Jan. 13.

171. Memorandum of the receipt of the above letter. $\frac{1}{4}$ p. [*Board of Trade*. Leeward Islands, 5. No. 70.]

Jan. 13.

172. The Solicitor-General to Council of Trade and Plantations. I have considered the Acts passed in Massachusetts at the Sessions held 20 November, 1695, 26 February and 27 May, 1696, and see no objection to eleven of them (*titles given*). Two Acts for continuing certain expiring Acts I can give no opinion on, not having seen the expiring Acts alluded to. An Act to encourage the making of salt I can also give no opinion on, no person having been with me to satisfy me as to the matters suggested therein. *Signed*, Jo. Hawles. $1\frac{1}{4}$ pp. *Endorsed*, Recd. 13 Jan., 1697-8. [*Board of Trade*. New England, 9. No. 4; and 36. pp. 343-344.]

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- Jan. 13. **173.** Council of Trade and Plantations to Mr. Secretary Vernon. Forwarding a report upon piracy in the East Indies, to be laid before the King. *Signed*, J. Bridgewater, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Abr. Hill, Geo. Stepney. *Annexed*,

Council of Trade and Plantations to the King. 13 January, 1698. Since our report of 9th ult. we have received your commands to consider the best means of suppressing the pirates in the East Indies, and offer as follows. First, as the source and support of these piracies is chiefly in the Colonies, particularly in those under distinct Proprieties and Charters, we think that the security suggested in the address of the House of Lords of 18 March last would conduce very much to the redress of the evil. We have signified the King's pleasure to all the Colonies in pursuance of that address, but have not hitherto found any compliance therewith. Next, we have discoursed with the East India Company and with Captain Warren, but though the informations as to particular acts of piracy are many, yet we have been unable to obtain any information as to the fort or settlement at St. Mary's beyond that given by Captain Warren. If your Majesty be satisfied as to the existence of this settlement, we recommend that you should send next March two fourth-rate and one sixth-rate men-of-war (who may be joined by the East India ships then sailing) with instructions to proceed to St. Mary or Madagascar, there to offer your pardon to all pirates who will surrender, and, if the pirates refuse to submit, to attack them there or wherever they may be found. [*Board of Trade. Plantations General*, 34. pp. 222-225.]

Jan. 13.
Kensington.

- 174.** Order of the King in Council. Referring a memorial, with its enclosure, from the Board of Ordnance to the Council of Trade, for their report whether it is necessary that any engineer should be continued in the King's service in the Plantations. *Signed*, Wm. Bridgeman. $\frac{1}{2}$ p. *Endorsed*, Recd. 14, Read 17th Jan., 1697-8. *Annexed*,

174. i. The Officers of Ordnance to the Earl of Romney. We submit a list of the engineers employed in the King's service abroad with their pay *per diem*. You will see that hereby there lies on our office a considerable charge, which, or some part thereof, we hope at this time may be taken off. We beg you to consider whether it would be advisable for you to receive the King's orders to remand some of these engineers home. *Signed*, H. Goodricke, Jno. Charlton, Ja. Lowther, C. Musgrave, J. Boulter. *Original*. $\frac{1}{2}$ p.

174. ii. List of engineers employed in the Colonies. Hugh Simms at Antigua, Christian Lilly at Jamaica, Talbot Edwards at Barbados, Heber Lands at the Leeward Islands, and Colonel Romer at New York; also a

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master-gunner at Barbados. Total annual charge, £1,405 15s. 1 p. [*Board of Trade*. Plantations General, 4. Nos. 86, 86 i., ii.; and 34. pp. 229-230.]

Jan. 14. **175.** William Popple to the Attorney and Solicitor General. Essex Street. Reminding them that there are Acts of Massachusetts of 1695 on which they have not yet given their opinion, asking for the said opinion, and forwarding further Acts of 1696 and 1697 for consideration. *List of Acts follows*. [*Board of Trade*. New England, 36. pp. 345-347.]

Jan. 14. **176.** Commission to Samuel Day to be Governor of Bermuda. The full number of the Council is to be seven. The rest of the Commission is in the usual form. [*Board of Trade*. Bermuda, 29. pp. 59-72.]

Jan. 14. **177.** Minutes of Council of Barbados. A committee appointed to arrange the ceremony of embarking Governor Russell's corpse, two regiments of foot and one of horse to be present, and mourning to be provided for covering the drums, trumpets and colours. The Receiver of the King's casual revenue reported that he had a balance of money in his hands, but could not send it home since he had no orders to do so. A proposal of the President to call an Assembly, since there was no certain news when the new Governor was to be expected, was negatived. A committee appointed to provide a house and cellar for the new Governor. Resolved that the depositions taken for Mr. Edward Walrond be not sealed with the public seal until the King's pleasure be known. [*Board of Trade*. Barbados, 65. pp. 273-274.]

Jan. 15. **178.** Minutes of Council and Assembly of Nevis. Address of thanks from the Assembly to the Lieutenant-Governor for the safety and preservation of the island. A proposal of the Assembly, for a proclamation to call in arrears of taxes, was returned, as there was not a full Council. [*Board of Trade*. Leeward Islands, 64. pp. 447-448; and 458.]

Jan. 15. **179.** The Assembly of Nevis to Council of Trade and Plantations. We send herewith our journals, beseeching that what may be thought amiss may be pardoned, and what judged as reasonable grievance redressed. Our first grievance is our being debarred from making laws binding (be the occasion never so emergent) till first sent to Antigua for the consent of the Governor-in-Chief, a thing quite contrary to the former privileges of this and other Islands, which were that in the Governor-in-Chief's absence the Deputy or Lieutenant-Governor, Council and Assembly of each island made laws, binding for two years, which were sent home for confirmation, and unless so confirmed were void. The Governor's present Commission expressly makes his assent, or in his absence the Lieutenant-Governor's assent, necessary to the making of laws. We beg that our old privilege may be restored, and that the word absence may be explained, whether it means that the Governor is never absent until he be dead or out of the Government, or that he is absent from every island but that which he actually is on, and that in such absence the Lieutenant-Governor's assent to laws is

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sufficient. There has been much contention about it. If he is never to be construed as absent unless he be removed or dead, then we are very miserable, and indeed there is no occasion for Lieutenant-Governors in the several islands; though great inconveniences must necessarily follow if there be not Lieutenant-Governors clothed with powers to make laws with the Council and Assembly, for some of the islands are ten leagues distant from each other. Another privilege of ours was that the Lieutenant-Governor and Council, in the absence of the Governor-in-Chief, were a Court of Chancery and a Court of Admiralty on occasion. But since some few years Governor Codrington has disallowed it to us, declaring that no matters shall be finited in Chancery but when he is present, nor Court of Admiralty or for gaol delivery held except by his special Commission. This has been some cost to us in hire of sloops and delay of justice, for the Governor is sometimes not here for a whole year. These privileges and others have been taken from us by the unusual instructions of the Governor-in-Chief to Lieutenant-Governor Samuel Gardner. *Signed*, Wm. Buttler, Speaker. 2 pp. *Endorsed*, Recd. 23 March, 1697. [*Board of Trade*. Leeward Islands, 5. No. 71; and 45. pp. 173-176.]

Jan. 15. **180.** Minutes of Council of Virginia. Order for a proclamation to announce the conclusion of peace with France, and for the embargo on ships intended for Europe to be removed. [*Board of Trade*. Virginia, 53. pp. 107-108.]

Jan. 15. **181.** The Secretary of Massachusetts to William Popple. I sent copies of the Minutes, Acts and public accounts by Mr. Thomas Wilkins, purser of H.M.S. Falkland, which sailed from Piscataqua on 20 October last. I now send the further Minutes of Council to December, 1697, also the Journals of Assembly and Acts. The Lieutenant-Governor is sending an account of the public occurrences. Lord Bellomont was not arrived at New York upon the 1st inst., having been more than seven weeks at sea. Several merchant ships that started with him arrived here in thirty days' passage, and H.M.S. Fowey arrived at New York a fortnight since, having parted with the ship on which he was embarked five weeks before. It is much feared that the severity of the cold and of the north-westerly winds has driven him off the coast. His arrival has been earnestly desired and long expected. *Signed*, Isa. Addington. 2 pp. *Endorsed*, Recd. Read 11 April, 1698. [*Board of Trade*. New England, 9. No. 5; and 36. pp. 361-363.]

Jan. 17. **182.** Minutes of Council of Montserrat. Order for several Acts expired by reason of the conclusion of the war to be continued for a limited time. Persons named for taking an account of the inhabitants in order to a levy. Order for a warrant for the viewing of a ship. [*Board of Trade*. Leeward Islands, 64. p. 528.]

Jan. 17. **183.** Instructions to Samuel Day as Governor of Bermuda. The Council is to consist of William Peniston, Samuel Trott, William Outerbridge, Gilbert Nelson, Richard Peniston and John Tucker. He is to propose to the Assembly: (1) That an export duty of one penny per pound be levied on tobacco, but in such

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manner that the Crown may lessen it in such proportion as shall seem good from time to time, and that no tobacco be laden without security first given for payment of the King's customs and duties. (2) That moderate quit-rents be settled from the lands enjoyed by the inhabitants. (3) That the Governor's house, prison, fortifications and other public buildings be repaired at the public charge, a levy being laid for that purpose. He is to take an account of the public lands and of certain claims thereto, to continue to public officers their shares of land and slaves, to send an account of the slaves belonging to the late Company, and to require from public officers their accounts for money received from the late Company, on pain of suspension. The law as to keeping white servants is to be enforced, the forts and defences are to be kept in good repair, and a certain number of tenants trained to work the guns. No ships are to load or unload except in Castle Harbour or St. George's Harbour. Isaac Richier is to be permitted to come to England, to give security to prosecute his appeals in his suits against Nicholas Trott and John Goddard, and his goods are to be restored to him. Goddard and Trott are also to give security to abide by the decision of the King in Council, and Trott, if in Bermuda, is to be obliged to come to England to answer for misdemeanours in his Government of the Bahamas. The Acts of Trade and Navigation are to be strictly observed. [*Board of Trade. Bermuda, 29. pp. 72-107.*]

Jan. 17. **184.** Journal of Council of Trade and Plantations. Order in Council of 13th inst. on a memorial of the Board of Ordnance read (No. 174).

Major Handasyd's letter of 18 November last from Newfoundland read.

Jan. 18. The Acts of Barbados were considered.

Jan. 19. Acts of Barbados further considered, and directions given for a representation thereupon.

Journals of Jamaica from December 1695 to July 1696 perused.

Jan. 20. Perusal of Journals of Jamaica continued.

Jan. 21. Acts of Jamaica perused. [*Board of Trade. Journal, 10. pp. 399-404.*]

Jan. 18. **185.** Minutes of Council of Jamaica. Orders for several payments for salaries and for various services, including £50 to the captain of a sloop for good service in bringing intelligence and a prisoner from St. Domingo. A petition read from the inhabitants who furnished Admiral Nevill's squadron with wood and water, that they might be paid from the proceeds of the sale of the King's victuals. Order for the claims to be examined and, if certified, to be paid as requested in the petition. [*Board of Trade. Jamaica, 79. pp. 75-77.*]

Jan. 20. **186.** John Usher to Council of Trade and Plantations. I enclose what has come to my hands since I left New Hampshire. By my warrant Major Smith ordered the militia under arms for the solemnity of publishing your orders, for which Mr. Partridge summoned him before Council for disturbing the peace. It is hard for men who obey your orders to be thereupon charged as disturbers of the peace; but those now holding the Government are

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so ill-affected that they hate every loyal man. You have heard that Mr. Partridge and Council propose to maintain the Government as it now is, that is to say as no kingly but as a Commonwealth Government. The purging of Fyfield out of the Assembly shews that they will not suffer a loyal person to hold a place of trust. I have been told that in several towns the inhabitants were not warned of the election of Assembly men, and that but a few, malignant to the King's Government, met and chose them, which I judge to be illegal. Pickering, the Speaker, is the person who some years since seized and still detains all the records of deeds and wills. These three or four years I have endeavoured to prosecute him for the same, but without effect, owing to the failure of the officers. He is chief leader of the mob, and without him Hincks, etc., dared not have adventured in the Government. By him they are upheld, and they dare do nothing but as he directs. He of all men should be made an example, considering a speech that he once made in the Assembly reflecting on the King, quoting "He which goes to build a tower and doth not first sit down and count the cost, etc." I hope you will give orders to bring him to justice, that his example may be a terror to other evil doers. Then I judge the Government will have rest. *Signed, John Usher. 3/4 p. Enclosed,*

186. 1. Joseph Smith to John Usher. Hampton, 17 January, 1697-8. On the 28th December I appeared before His little Honour and Council, according to summons, to answer for disturbing the peace. I told them in short that I had obeyed your warrants as Lieutenant-Governor not only on the 12th and 13th December but ever since, in virtue of the instructions received by you from Whitehall, and that if obedience to God and the King were a crime to be summoned fourteen miles to answer for, then I was guilty of that crime. Colonel Packer made a like answer. Waldern after an impertinent discourse said that they had no more to say at present. The same day the Assembly met and chose Pickering Speaker. Partridge delivered them a paper, desiring their advice as to sending to England to have the Government confirmed as it is. The Assembly withdrew and down comes old Penny with a deposition against Ben. Fyfield that he had been heard to say that he was as well contented to be under Mr. Usher as Mr. Partridge, and that those who sent Ichabod Plastead to New York ought to pay his wages. On this testimony they purged the Assembly of this honest man, and issued a writ for the election of another in his room. I know nothing of their proceedings since. The Assembly are like those that met to choose them, men of anti-monarchical principles. I hear that not above six met at Exeter and not above twenty at Hampton. It will be very strange if these proceedings be countenanced—the acceptance by Mr. Partridge of such a person as Speaker, who is known to be of ill principles, being a common drunkard and a notorious felon. There are others who were delivered out of gaol by that rebellious Revolution, such

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as Furber, etc. If they be countenanced, every good man must quit his habitation or be made a prey to unreasonable men. *Copy.* 1½ pp. *The whole endorsed, Reed.* Read 12 April, 1698. [*Board of Trade.* New England, 9. No. 6, 61.; and (*without enclosure*), 36. pp. 364-365.]

Jan. 20-22. **187.** Minutes of Council and Assembly of Antigua. The Assembly, twenty in number, chose George Gamble for Speaker, who was approved. The Council and Assembly agreed to appoint a joint committee to draw up a Militia Act, an Act to encourage importation of white servants, and a short Act for better regulation of the Registry, and another joint committee to report as to the number of standing guards that it is still necessary to keep. The Council sent down to the Assembly the depositions of Edward Walrond, and the letter signed J. Johnson, for their consideration. The Assembly asked for further time to consider them, and that the Governor, looking to the expense which the island had incurred in fortifications, would ask for one of the companies of Holt's regiment to be kept in that island at the King's charge. The Governor consented, and urged them to despatch the business before them. Message from the Assembly asking for the Council's directions as to the amendment of the bills for regulating Assemblies, and for regulating fees. Several patents for lands passed. [*Board of Trade.* Leeward Islands, 64. pp. 235-240.]

Jan. 21. Admiralty Office. **188.** William Bridgeman to William Popple. The Admiralty desire to know when the Council of Trade propose that the convoy for Newfoundland should be ready to proceed from England. *Signed,* Wm. Bridgeman. ¼ p. *Endorsed, Reed.* Read 24 Jan., 1697-8. [*Board of Trade.* Newfoundland, 3. No. 93; and 25. p. 174.]

[Jan. 24.] **189.** Petition of Charles Story to Council of Trade and Plantations. I was sent over by the Lieutenant-Governor of New Hampshire to lay before you the ill-state of the Colony. My expenses were such that without your assistance I cannot return. I beg you to contribute £20 towards transporting me to New Hampshire again. 1 p. *Endorsed, Reed.* Read 24 Jan., 1697-8. [*Board of Trade.* New England, 9. No. 7.]

Jan. 24. **190.** Journal of Council of Trade and Plantations. Mr. Bridgeman's letter of 21st as to the Newfoundland convoy read (No. 188). Order for Mr. Cole and Mr. Merret to be summoned to attend on Wednesday.

Mr. Story presented a memorial (No. 189). Order for the Secretary to represent his case to Mr. Lowndes for the consideration of the Treasury.

Jan. 26. Mr. Cole and Mr. Merret attending, gave their opinion as to the Newfoundland convoy, which the Secretary was ordered to represent to the Admiralty (*see* No. 196).

The Council again wrote to Mr. Vernon upon the subject of rooms for this Board.

An order of the House of Commons for copy of the Board's Commission and instructions was received and read.

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Jan. 27. The letter as to Newfoundland convoys was approved; and the representation on the Acts of Barbados signed.

Perusal of the Acts of Jamaica continued.

Jan. 28. Perusal of the Acts of Jamaica continued.

Copy of the Commission and instructions sent up to the House of Commons. [*Board of Trade. Journal, 10. pp. 399-408.*]

Jan. 25.
Boston.

191. Lieutenant-Governor Stoughton to Council of Trade and Plantations. Since my last of 30 September I have received your further letter of 27 October, with the proclamation of peace, which was published amid great rejoicing. The people have very sensibly tasted the direful effects of war and are glad to be freed from the heavy taxes laid upon them for the prosecution of the war; they will enjoy great ease if the barbarous Indian rebels can be reduced to obedience. I have also received yours of 3 August, desiring me to further your intentions as to New Hampshire, which came not to my hand until Mr. Usher had started for the province on your order to proclaim peace, which I understand that he did. On his arrival in the province, however, Mr. Partridge published his commission and took over the Government. Whether he be qualified or not I cannot judge. I have not received one line from him since, nor has he at any time advised with me concerning the Government. No doubt Mr. Usher will give you a full account. I was ready to have given him all credit and countenance with the people of New Hampshire, had opportunity offered for my interposing. I enclose an account of three prize ships brought in here since the sending of the last list. I hold the King's share in my hands ready for payment to any duly authorized person. The last ships brought a commission from the Prize Office for John George, merchant, to be their Agent in these parts for all prizes brought in since 19 June, 1689, without a notice of the Royal Grant made to Lord Romney and Mr. John Glover. The matter is not well understood here. I paid to the Agents of the latter £286, which I hope was right; but I ask for instructions as to the further prize-moneys remaining in my hands. On his return home from Newfoundland Colonel Gibsone despatched a ship here to be laden with provisions and supplies for the forces left in that country. I sent her off as soon as necessary repairs to her were finished and the season would permit, for winter had set in before she arrived here. The cost of the said repairs and provisions amounted to £1,610, at the most reasonable rate possible, and I have sent the account to Sir Henry Ashurst. I have detained this ship for some time in the hope of reporting to you Lord Bellomont's arrival at New York, but there was no news of it up to the 10th inst., being near five weeks after the arrival of some of the merchant ships that started with him. I fear that he has been driven off the coast by gales of unusual severity, and has been exposed to the hardships of a tedious winter-voyage. *Signed, Wm. Stoughton. 2 pp. Inscribed, a short abstract of the above. Endorsed, Recd. Read 12 April, 1698. Enclosed,*

191. 1. Account of three prizes brought into Massachusetts on 9 November, 1697. Total value, £774. King's share £154, less £120 deducted for 12 guns, making the King's

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share, net £34. 1 p. *Endorsed*, Recd. Read 12 April, 1698. Copy of the above letter. 2 pp. [*Board of Trade*. New England, 9. Nos. 8, 81, 9; and (*without enclosure*), 36. pp. 366-370.]

Jan. 25. **192.** Minutes of Council of Barbados. Order for issue of writs for the election of an Assembly. Thomas Sadleir continued as Acting Treasurer till further order. Major Estwick and Lieutenant-Colonel Fortescue appointed assistants at Bridge Court and Oistins Court respectively. [*Board of Trade*. Barbados, 65. pp. 274-275.]

Jan. 25. **193.** Minutes of Council of Montserrat. In reply to the Council's proposal the Assembly concurred in testifying to Governor Codrington's good carriage, to vindicate him against the attacks of Mr. Walrond and Mr. Lucas. [*Board of Trade*. Leeward Islands, 64. pp. 528-529.]

Jan. 27. **194.** The Governor and Council of Connecticut to Council of Trade and Plantations. On 21st inst. we received by our agent, Major-General Fitzjohn Winthrop, the King's letter of 22 April, 1697, and yours of 9 February and 26 August last. We assure you of our diligent endeavours for some time past to enforce the Acts of Trade and Navigation, and of our readiness to observe them in future. We have as far as in us lay complied with your various orders. The General Assembly has chosen Commissioners to negotiate with Rhode Island as to our boundaries, and we hope that they may come to an amicable agreement. If not, we shall observe your orders. As to the militia, no one can deny our readiness to assist neighbouring Governments against both French and Indians with all forces that we could spare consistently with our own safety during the late war. We have had our quota of men and sometimes more in actual service under our pay on the frontiers of Massachusetts and of New York, while other Governments have sat still and contributed nothing, that we could learn, to the relief of those provinces and the security of their frontiers. We take the boldness to vindicate ourselves against the accusations of backwardness which have been suggested against us. The happy return of peace has rendered the quota needless, but we shall not neglect, in times of peace, to take such care of our forces as the King has directed. As to the Acts of Trade we shall be very ready to give Lord Bellomont the security which the King has required. All reports of our harbouring pirates and carrying on illegal trade are utterly false. Our trade at the most is so inconsiderable that it would be impossible for illegal traders to pass undiscovered; and as to our being a receptacle for pirates, not one vessel, belonging or reported to belong to any pirates, real or supposed, has come or been admitted to any of our ports, bays or any other place. How true these reports may be of other Colonies we cannot say, but we ourselves have always been far from countenancing what is contrary to the law of God and man. *Signed*, for the Governor and Company, Eleazar Kimberly, Secy. 2½ pp. with *précis* attached. *The whole endorsed*, Recd. 8 Sept.; Read 20 Oct., 1697. [*Board of Trade*. Proprieties, 2. No. 10; and 29. pp. 237-241.]

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Jan. 27.

195. Council of Trade and Plantations to the King. We present to you a list of Acts of Barbados, of which we find many to be temporary and expired, some of private concernment and already confirmed, and others which, though of public concernment, may without inconvenience remain without confirmation, that is to say in force until your pleasure be signified to the contrary. We have marked these several distinctions against each Act in the list. There is an Act, declaring the decision of controverted elections to the Assembly to be in the representatives of the people, as to which we have not yet sufficient information to offer any recommendation. As to the Act giving a present of £300 to the late Governor we see no reason why it should not be confirmed and the money paid to his executors. *Signed, J. Bridgewater, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Abr. Hill. Here follows a list of thirty-seven Acts. [Board of Trade. Barbados, 44. pp. 127-135.]*

Jan. 27.

Whitehall.

196. William Popple to the Secretaries of the Admiralty. With reference to yours of 21st inst. (No. 188) the Council of Trade after consultation with the merchants concerned in Newfoundland think that it may be sufficient at present for one man-of-war to be appointed to be ready to sail from Plymouth about the beginning of April, with orders to stay at Newfoundland till towards the end of September, to regulate any disputes between the fishing-ships there, and convoy back any of the ships to Spain, Portugal or Italy. The merchants expecting that some other frigates may be appointed meanwhile to cruise against the Sallee-men (from whom they apprehend most danger) are less determined upon the force necessary to convoy their sack-ships to Newfoundland in June and convoy back the ships for Spain, Portugal and Italy. *[Board of Trade. Newfoundland, 25. p. 173.]*

Jan. 28-29.

197. Minutes of Council and Assembly of Antigua. The Assembly consented to the Council's proposal to settle £200 or 32,000lbs. of sugar *per annum* as the Chief Justice's salary. Message from the Assembly vindicating the Governor's integrity and loyalty against the accusations of Edward Walrond. The Council concurred with the Assembly in the discharge of the standing guards and the appointment of some of the King's soldiers to do duty in their stead. Message from the Assembly asking for explanation of a clause in the Act for regulating fees, and requesting that the next General Assembly may be held in Antigua, since the gentlemen to leeward, always unreasonable over the public accounts, will be doubly so when stirred up by their own people. The Assembly also sent up an account with the request that it might be paid. Eleven justices of the peace sworn. *[Board of Trade. Leeward Islands, 64. pp. 241-245.]*

Jan. 31.

Whitehall.

198. James Vernon to Council of Trade and Plantations. By the King's command I transmit to you the list of the ships proposed by the Admiralty for the West Indies, for your opinion whether the squadron is sufficient for the service. *Signed, Ja. Vernon. List of ships. Pendennis, 50 guns; Tyger, 50 guns;*

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Sandadoes (prize), 46 guns; Lynn, 32 guns; Maidstone, 24 guns. $\frac{1}{2}$ p. *Endorsed*, Recd. Read 1 Feb., 1697-8. [*Board of Trade*, Plantations General, 4. No. 87; and 34. p. 231.]

Feb. 1.

199. Minutes of Council of Barbados. The President announced the reasons for calling the Council, viz., to despatch Captain Reeves of the Newcastle and supply him with men and money; to embark Governor Russell's corpse on board the Newcastle; to provide for the reception of the new Governor; to prepare the journals and laws of the past six months for transmission to England; and to prepare letters to the Council of Trade, the Admiralty and the Agents. [*Board of Trade*. Barbados, 65. p. 275.]

Feb. 1.

200. Minutes of Council of Montserrat. Permission granted for a foreign vessel to unlade her cargo of wheat, she being unfit to proceed on her voyage. [*Board of Trade*. Leeward Islands, 64. p. 529.]

[Feb. 1.]

201. Extracts from two letters to the East India Company. Letter from Surat dated 6 February, 1696-7, and received 28 January, 1697-8. Enclosed are several papers relating to pirates that infest these seas. What your affairs and we have suffered from these villains, and how they were endangered on the Malabar Coast, will be manifest to you. We knew of three besides the Mocha, frigate, Babington, Hore and the Dutch Master. They have lately plundered one ship of the Shawbunder of Cong, and another ran ashore to escape them. It was said that if the Portuguese had not been in the road they would have plundered the place, as they may have done Gambroon. Your estates, trade, and servants' liberties and lives here are in continual danger, and may be shortly so all over India. We are at this instant prisoners at large, and how soon we may be straiter confined by the Government or massacred by the rabble, God alone knows, to whose Divine will we desire entirely to submit ourselves. There is a report of twenty-two more at Madagascar bound to the several parts of India, but of this we have no certainty. The damages that these rogues have done to the inhabitants of Surat and the adjacent towns was brought in to our Governor, in the time of our late imprisonment, to be five million rupees.

Letter from Bombay, dated 18 February, 1696-7, and received 28 January, 1697-8. Besides what the President etc. have wrote afresh concerning the villainy of the pirates in the Gulf of Persia, we hear that there are three cruising off Cape Comorin, who vainly as well as impudently give out that they are friends to no man but to God Almighty. $1\frac{1}{2}$ pp. *Endorsed*, Delivered to the Board by the Governor and other members of the Company. Recd. Read, 1 Feb., 1697-8. [*Board of Trade*. Plantations General, 4. No. 88.]

Feb. 1.
London.

202. Memorial of the Merchants trading to Virginia and Maryland to the Council of Trade. Last August we urged the advantages which might accrue to this Kingdom and to the Colonies if liberty were granted to all the King's subjects to export tobacco to the Czar's dominions, and begged that the King might be moved

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to obtain this liberty for us. We received the favourable reply that the necessary instructions had been given to the King's Ambassadors at the Hague. We now beg your further advice and assistance in recommending that the favourable opportunity of the Czar's presence may be made use of. *Signed, Micaiah Perry, and by four others. 1 p. Endorsed, Recd. Read 4 Feb., 1697-8. [Board of Trade. Virginia, 6. No. 36.]*

Feb. 1. **203.** Journal of Council of Trade and Plantations. Mr. Secretary Vernon's letter of yesterday with a list of ships for the West Indies read (No. 198). Order for an explanation to be asked of Mr. Ellis before the same be answered.

The Governor and others of the East India Company presented a copy of intelligence lately received as to the pirates in these parts (No. 201), adding that these pirates put them to great expense in convoys and that a squadron should be sent to destroy their settlement. They were then informed that a representation to that effect had been made and that the great officers of the Crown, belonging to this Board, had appointed a meeting to be held on the subject.

Order for a letter to the President and a Council of Barbados and a memorial to be given to the New Governor to report as to the usage for deciding controverted elections in that island; also that the Secretary ask the Barbados Agents what they have done in pursuance of the White Servants Act of Barbados passed in 1696.

Order that a representation be drawn as laying before the King the necessity for putting the Colonial Militia Acts into execution.

Feb. 3. Letter to Mr. Vernon asking for several copies of the Proclamation forbidding English subjects from taking service with foreign princes.

Colonel Gibsone attending, was asked to draw up a memorial of his thoughts relating to the forts and garrison of Newfoundland.

The Secretary reported that he had ascertained from Mr. Ellis that the ships for the West Indies were not to be kept together as a squadron, but their disposal to be left to this Board's consideration.

Mr. Bridgeman's letter of this day read (No. 205), and copy ordered to be sent to Mr. Gilbert Heathcote, with directions to attend to-morrow morning.

Feb. 4. Mr. Micaiah Perry and the merchants of Virginia urged that endeavours might be used with the Czar of Russia while here to admit tobacco into his dominions. The Council answered that they had already done so, and that the question had been previously laid before the Czar in Holland.

Perusal of the Jamaica Acts continued. Order for a letter to the Jamaica Agents concerning two of them. [*Board of Trade. Journal, 10. pp. 410-419.*]

Feb. 2. **204.** William Popple to the Agents for Barbados. The Council of Trade, finding among the Acts of Barbados one of Essex. August, 1696, for the speedy supply of arms, ammunition, stores and white servants, desire to be informed what has been done in pursuance thereof. [*Board of Trade. Barbados, 44. pp. 135-136.*]

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Feb. 3. Admiralty Office. **205.** William Bridgeman to William Popple. The Admiralty desire to know whether the Council of Trade has any accounts of the number of negroes carried off by the French when they last landed in Jamaica and in particular if any of the negroes were free. If so the Council is desired to send extracts from their accounts. *Signed*, Wm. Bridgeman. $\frac{1}{2}$ p. *Endorsed*, Recd. Read 3 Feb., 1697-8. [*Board of Trade*. Jamaica, 8. No. 83; and 56. p. 175.]
- Feb. 3. Essex Street. **206.** Council of Trade and Plantations to Mr. Secretary Vernon. We have seen a proclamation forbidding the King's subjects to enter the service of foreign princes, which we judge necessary to disperse widely through the Colonies. Please order the King's printers to furnish us with three or four hundred copies of this and of any other printed paper that we may require. *Signed*, J. Bridgewater, Ph. Meadows, W. Blathwayt, John Pollexfen, Abr. Hill. [*Board of Trade*. Plantations General, 34. p. 232.]
- Feb. 3. Kensington **207.** Extract from the Minutes of the Privy Council. The representation of the Council of Trade on the Acts of Barbados, dated 27 January, was read. An Act for granting £300 to the late Governor Russell was confirmed. *Signed*, John Nicholas. $\frac{1}{2}$ p. *Endorsed*, Recd. 15th, Read 16th Feb., 1697-8. [*Board of Trade*. Barbados, 7. No. 59; and 44. pp. 136-137.]
- Feb. 3. Kensington. **208.** Order of the King in Council. Confirming the Act of Barbados for making a present of £300 to the late Governor Russell, and authorising his executors to receive the same. *Copy*. *Signed*, John Nicholas. $\frac{1}{2}$ p. *Endorsed*, Recd. 22nd, Read 23rd Feb., 1697-8. [*Board of Trade*. Barbados, 7. No. 60; and 44. pp. 137-138.]
- Feb. 3. Kensington. **209.** Order of the King in Council. Referring the petition of John, Lord Cutts, and others to the Council of Trade and Plantations for report. *Signed*, John Nicholas. $\frac{1}{2}$ p. *Endorsed*, Recd. 9th, Read 10th Feb., 1697-8. *Annexed*,
209. 1. Petition of John, Lord Cutts, Sir Henry Pickering of Barbados and Joseph Dudley of New England to the King. There is great want of small money in the Colonies, whereby trade is much obstructed. A certain metal, far exceeding that made at Nuremberg, has been brought, by the industry of one who holds your Majesty's patent, to that curiosity and perfection as to be without any danger of counterfeiting. We beg you to grant us Letters Patent for seven years to coin half pence, pence and twopenny pieces for the use of the Colonies according to such rules, and with such superscriptions and devices thereupon, as you shall approve or direct. $\frac{3}{4}$ p. [*Board of Trade*. Plantations General, 4. Nos. 89, 89 1.; and 34. pp. 235-236.]
- Feb. 4. **210.** Memorandum of a paper presented to the Council of Trade by Micaiah Perry, giving reasons for enlarging and regulating the trade to Russia and the Narve. $\frac{1}{4}$ p. [*Board of Trade*. Virginia, 6. No. 37.]

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Feb. 4. Whitehall **211.** William Popple to the Agents for Jamaica. The Council of Trade have found difficulties in respect of two Acts of Jamaica. That for confirming certain lands to Sir James del Castillo has no clause saving the rights of the King or of strangers, and is therefore unfit to be confirmed. That for appropriating the additional duty contains a reference to a former Act, which is not in this office, and you are therefore desired to send me a copy. [*Board of Trade. Jamaica, 56. pp. 175-176.*]
- Feb. 4. **212.** Minutes of Council and Assembly of Antigua. Address of the Council to the Governor, vindicating him against Edward Walrond's accusations in respect of Robert Arthur's trial. Message from the Assembly asking for an adjournment since there is no time to deal with any important Acts before the Governor goes to leeward. Patents for land granted. The Chief Justice was sworn. The Governor adjourned the Assembly. [*Board of Trade. Leeward Islands, 64. pp. 246-248.*]
- Feb. 7. Essex Street. **213.** Council of Trade and Plantations to Mr. Secretary Vernon. In reply to yours of 31st ult. respecting the ships to be sent to the West Indies, we have already represented our opinion to the Lords Justices on 19 October last, and the Admiralty have sent us a list of ships accordingly, adding further that the Swift would be sent to Maryland and the Essex to Virginia. Observing the difference of these names from some on your list, we can only say that if the force of the ships appointed is conformable to our representation, they may be sufficient for the service. As to the ships that are already gone or may be intended to go to any of the Colonies, we have not been applied to for any alterations nor have we any to propose. Signed, J. Bridgewater, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Abr. Hill. [*Board of Trade. Plantations General, 34. pp. 232-233.*]
- Feb. 7. **214.** Journal of Council of Trade and Plantations. Letter to Mr. Vernon as to men-of-war for the Plantations signed (No. 213).
- Feb. 9. Mr. Tyrrell attended to ask if any report had been made on his brother's petition. The Board told him that they would shortly consider the matter and inform him.
Order for a circular letter to be drawn, transmitting the Proclamation to forbid English subjects from taking service with foreign princes.
- Feb. 10. Order for a letter to be written to Mr. Blackborne to ask him to send certain further information as to pirates in the East Indies.
Order for letters to be written to the several Plantations, that have not printed their laws, to print them.
Order in Council of 3rd inst. covering Lord Cutts's petition read (No. 209). Ordered that if any enquire about this matter they be directed to attend the Board with their proposals in writing.
Representation as to militia in the Plantations signed (No. 218). [*Board of Trade. Journal, 10. pp. 420-424.*]
- Feb. 8. **215.** Council and Assembly of New Hampshire to Council of Trade and Plantations. We thank the King for appointing Mr. Partridge to be Lieutenant-Governor in place of Mr. Usher.

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On Mr. Partridge's arrival with the King's Commission proclamation was made that Mr. Usher's power was void, yet, Mr. Partridge for some reason delaying to assume the Government, and leaving it in the hands of the President and Council, Mr. Usher began to make disturbance and, we hear, has complained to you of the province being without a Government and in a lamentable condition. The province was never more peaceable, nor has there been any disturbance since Mr. Partridge's arrival except that which Mr. Usher has endeavoured to give us. We understand that he has represented Mr. Hincks, Mr. Vaughan, and Mr. Waldern to you as ill men. We assure you that they have proved themselves true and faithful to the King's interest and well affected to his Government, and they are qualified beyond most of the inhabitants for the King's service. By the Council's advice Mr. Partridge has since taken the Government upon him to prevent further disturbance, which has given general satisfaction here. We await the King's further pleasure by the arrival of the Earl of Bellomont. Nothing could have been more agreeable to us than his appointment, and under his influence we shall distinguish ourselves by fervent zeal for the King's service. *Signed*, Hen. Penny, Secretary; Henry Dow, Speaker. 1½ pp. *Endorsed*, Recd. Read 6 April, 1698. [*Board of Trade*. New England, 9. No. 10; and 36. pp. 353-354.]

Feb. 8.

216. Minutes of Council of Barbados. Order for H.M. ships Sheerness and Bonaventure to sail to Tobago, where they can procure timber to refit. Orders for the wages for the new Governor to be paid for by the Treasurer, and for Governor Russell's corpse to be embarked on the 17th. Order for the Treasurer to bring in his accounts. Certain accounts passed or referred for examination. Answer to Captain John Aldred's memorial, telling him that the Assembly refuses to provide money for the supply of the King's ships, and that the Receiver of the King's casual revenue refuses to advance it without orders from Whitehall. [*Board of Trade*. Barbados, 65. pp. 276-279.]

Feb. 10.

217. Minutes of Council and Assembly of Nevis. Governor Codrington was present. Letter from the Agents read, reporting the end of the war. John Perrie's commission as Surveyor General read.

Feb. 12.

The Clerk of the Assembly was ordered to bring the minutes of Assembly, and refusing to do so was ordered to be kept in custody. [*Board of Trade*. Leeward Islands, 64. p. 458.]

Feb. 10.

218. Council of Trade and Plantations to the King. Looking to the state of the Colonies in America, weakened by the late war and by remissness in keeping up a competent number of white servants (who are the body of the militia) in proportion to the blacks employed in plantation-work, we think that the Governors of the Colonies should by your directions be required to take exact care that the Acts for increasing the number of white men in their several Colonies be effectually put into execution, and that when any laws of that kind are defective they should use their utmost endeavours with the Assembly to procure their amendment. [*Board of Trade*. Plantations General, 34. p. 234.]

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Feb. 12.
Antigua.

219. Governor Codrington to Council of Trade and Plantations. Yours of 10 November has come safely to my hands, and I have returned an answer to Mr. Walrond's accusations. I have forbore from any reflections upon his strained inferences and ill-applied epithets, nor shall I trouble myself with the motives which he professes for his proceedings. Had I not some reason to flatter myself that my behaviour since I have been Governor acquits me of this scandalous accusation of disloyalty, I could convince you by demonstrations that would leave no room for doubt, but I shall spare you that trouble, only asking you to believe that I have little regarded blood or interest upon any occasion when the upholding of the King's honour and the welfare of his subjects here required it. Now as to Captain Arthur, it is very true that he was committed for scandalous and treasonable words against the King and Government, and if I did express my concern when I heard thereof (as Mr. Walrond says) it was not at his commitment but from horror at his offence, and because it was out of my power to punish him as that offence deserved. It is also true that on his application to me in Council, bail was granted and two sureties put in for his personal appearance at next sessions. The grand jury found a true bill at the trial, but the petty jury, because the witnesses did not appear, found him not guilty. Why this is imputed to me or how I can be reasonably said to patronise Arthur or to contrive that he shall not be punished, I must leave to your judgment. It is alleged that I refused my warrant for bringing witnesses from H.M.S. Jersey that they might be bound over to prosecute Arthur at sessions. So far was I from refusing it that an Order in Council was passed that Mr. Duncombe and another justice should send for the witnesses from H.M.S. Jersey, then lying in St. John's Harbour, and make full enquiry. Presuming that these gentlemen knew their duty and having no cause to think that they would neglect it, I gave myself no further trouble on the occasion until I was alarmed at Captain Arthur's being cleared upon his trial. I confess that I was much surprised at this, and upon enquiry found that the witnesses had never been sent for by the justices as in Council was ordered, and that by reason of the ship's being absent on a cruise they could not be had. I find likewise that the justices had taken no care to adjourn the trial to await the ship's arrival, which a special clause in the Commission empowered them to do; and this was the occasion of Arthur's discharge. However, that he might be furnished as soon as the ship came in, I caused the witnesses to be examined in Council in the hope of finding new matter whereon to ground a new trial, but as none could be found they were dismissed; and this Mr. Walrond does me the justice to acknowledge. Secondly, it is alleged that I employed the frigate on a frivolous pretence, so that the witnesses might be absent from the trial. Now at that time there lay in Nevis eight or nine laden vessels, outward bound, and the Lieutenant-Governor at the request of the masters asked me to send down H.M.S. Jersey (which was then our only ship of war, Admiral Nevill having taken the Colchester with him to leeward) to see them clear of several privateers that lay in wait to intercept them. I accordingly ordered

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her to Nevis, limiting her stay to twenty-four hours and her cruise to ten days. During her absence Arthur's trial came on. Had the justices adjourned the Court or the Captain observed his instructions, there would have been no ground for the present complaint. I presume that the sending out of the frigate for the preservation of our ships deserves a better construction than a frivolous pretence. Thirdly, it is charged against me that, though I was informed of Arthur's saying that I durst not prosecute him, for that he could discover worse things of me than had been alleged of him, I never sent for Arthur nor took any pains to justify myself. This imputation is false, for I at once summoned Arthur before the Council and taxed him with these words, and the whole Council are my witnesses that he denied that he had ever said any such thing. Fourthly, I am accused for recommending Arthur to Admiral Nevill. Had not the Admiral been taken out of this world I dare presume that he would have justified my innocence herein. What passed between us was this. The Admiral happened to mention in discourse that the poor unfortunate fellow (pointing to Arthur who was then standing in my room) was in trouble and hardship, and prayed me to turn him about his business; saying that he had formerly done good service, but by his folly and roguery had made himself miserable. I answered that I had known him do good service and show courage enough, but that he had done very ill things and spoken ill words of the King and must take his trial before he went off. Mr. Yeamans, who was by, said it was true and that so he must; and so ended that discourse, and, upon the word of a gentleman, nothing more passed between the Admiral and me concerning Arthur. Had not Mr. Nevill begun the discourse I had never thought of Arthur, and had Mr. Walrond reported the beginning as well as the end of it, I conceive that the matter would have worn another face.

I do not remember saying that the depositions were malicious, and if any such words came from me I am sure that the manner of proceeding against Arthur was sufficient ground to me to suspect it. Henry Walrond and Arthur were held together in a very strict league of friendship until the Captain of the frigate quarrelled with Arthur, whereupon Walrond, siding with the Captain, made discovery of Arthur's words, which for a long time he had concealed, turning informer on that occasion. You will observe that no time is mentioned in his deposition when the words were spoken; and you must pardon me if I have no regard for a person who by his wickedness is become infamous, for he has been once convicted, and since then violently suspected of breaking open a chest and robbing a gentleman of a large sum of money. Lastly, I am accused of using Colonel Pym and Mr. Palmer as my chief Councillors, whom he calls Jacobites. I answer that in Arthur's business, or any other matter relating to the Government, I always advise with the Councillors appointed me by the King. Neither Pym nor Palmer were on this Island, nor did I see either of them from the first to the last of Arthur's affair, and I really believe that they know nothing of the matter. So far from using them as Councillors, it is rarely that I see either of them above once a year; and if they be Jacobites it is more than

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I know or have reason to believe, for Colonel Pym commanded a regiment in the late war and by his services has sufficiently demonstrated his fidelity to the Government, "while Mr. Walrond took "special care to secure one and the most signal and reasonable effects "of his loyalty and services upon which he so much values himself "have been the trouble he now gives your Lordships and myself "upon this occasion." Mr. Palmer's behaviour has been very different from that which Walrond has represented it to be, though he now lies under the King's displeasure and is therefore leaving this Government.

This is what I have to offer in my defence, which I hope will sufficiently clear me from Mr. Walrond's false and scandalous aspersions. I shall add nothing by way of recrimination (though I have matter enough) for his faults can be no justification of mine, but I would observe that whatever has happened amiss in the proceedings against Arthur has been through the negligence, first, of the justices, who should have bound over the witnesses to give evidence in Court and the informer to prosecute, secondly of the Court, whereof Mr. Walrond himself was a member, for not adjourning the Court from time to time till the witnesses should be forthcoming, and thirdly of Mr. Walrond himself who, notwithstanding the character which he gives of Arthur, always entertained him in his own house, and treated him with the greatest demonstrations of friendship imaginable, until Arthur was accused of the words laid to his charge, which were spoken in Walrond's house and were not revealed by him for some time after, though he is a justice of the peace. This is the truth as to my palliating or conniving at Captain Arthur's villainy. *Signed, Chr. Codrington. 2½ closely written pages. Endorsed, Recd. 20 April. Read 6 May, 1698. [Board of Trade. Leeward Islands, 5. No. 72; and 45. pp. 185-193.]*

Feb. 12.
Nevis.

220. Governor Codrington to Council of Trade and Plantations. Since my last I have received yours of 27 October, and have proclaimed peace accordingly. Yours of 10 November reached me at the same time, with duplicates of your orders respecting New Tertholen, as to which I have reported at length. Since I wrote that report, however, I have learned that your conjecture of the capture of that Island by the King's forces in 1772 is true, and that it was not surrendered to Sir William Stapleton to prevent the French from taking it as they set forth. I enclose a deposition of John Palmer in confirmation of this, also the original commission and instructions of Sir William Stapleton to William Burt, father of the present Major William Burt, for the taking of the island. I have answered Mr. Walrond's complaint in another letter. *Signed, Chr. Codrington. P.S.—* Mr. Thomas Duncombe of the Council of Antigua being grown a very great sot and having by that means made himself scandalous in spite of my frequent admonitions, I have suspended him. I was the sooner induced hereto from learning that in his drunken fits he has spoken disrespectfully of the King's person and Government. *Signed, Chr. Codrington. ¾ p. Endorsed, Recd. 20 April. Read 6 May, 1698. Enclosed,*

220. i. Deposition of John Palmer. 4 Feb., 1698. That he served as an ensign under Colonel William Burt

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in an expedition sent by Sir William Stapleton to capture the island of Tertola [or Tertholen] in 1672, that the fort and island surrendered, and that the fort was demolished, the cannon carried away and the whole island laid waste. Saba was also taken. $\frac{1}{2}$ p.

220. II. Commission of Sir William Stapleton to Captain William Burt to command an expedition for the reduction of Tortola and Saba, 10 June, 1672. *Signed*, W. Stapleton. *Stuck on the commission*, Beating orders of Sir William Stapleton to Major Burt to raise a hundred men for the reduction of the Islands aforesaid. *Originals*. 1 p.

220. III. Sir William Stapleton's instructions for the expedition against Tortola and Saba, 10 June, 1672. *Original*. $1\frac{1}{2}$ pp.

220. IV. Sir William Stapleton's instructions to William Burt for the administration and settlement of Saba, 26 March, 1677. *Original*. 1 p. [*Board of Trade*. Leeward Islands, 5. Nos. 73, 73 I.-IV. ; and (without enclosures) 45. pp. 194-197.]

Feb. 14. **221.** Memorial of Samuel Day to Council of Trade and Plantations. In my instructions one Gilbert Nelson is nominated to be of the Council of Bermuda. This person left England on account of his debts and has no estate in Bermuda, which is expressly contrary to a general clause in the instructions as to the qualifications of Councillors. Nelson has also by several irregular acts made himself very obnoxious to the people, who are very impatient to have their estates judged by him who has none of his own. One Outerbridge is also nominated to the Council, though he too is charged with several irregular acts committed in Bermuda. I beg, therefore, that these two may be removed and Charles Walker and Lieutenant-Colonel Anthony White appointed in their place. These last are of the best estates in Bermuda and were of the Council until turned out, without any reason given, by Governor Goddard, contrary to the Royal Instructions. Also John Dudgeon is nominated Secretary, whom I believe to be quite incapable of executing the place. I beg you further to consider what stores it is necessary to send to Bermuda, none having been sent there since the going of Governor Goddard. *Signed*, Sam. Day. $1\frac{1}{2}$ pp. *Endorsed*, Recd. Read 14 Feb., 1697-8. [*Board of Trade*. Bermuda, 3. No. 21 ; and 29. pp. 107-109.]

Feb. 14. **222.** William Penn to Council of Trade and Plantations. "Honoured friends," that I might not be wanting in respect to you or justice to myself, I think it not amiss to let you know that I think it hard that Proprietors should give security for Deputies of the King's approbation, since to me it seems the same thing. We should be excused, because the King approves or disapproves our nomination. If we are absolutely appointed, then I think we could not well refuse the security required. However, if it be thought fit that security be given even for such as the King approves of, I beg that no deputy be approved that will not give the King security for the right discharge of his place in respect of trade and the

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King's revenue; since a Proprietor, who may be both absent and innocent, may be ruined by the carelessness or corruption of a Deputy. The security aimed at by the Address of the House of Lords is equally answered by this, so I beg that it may be favourably considered. *Signed*, Wm. Penn. *Holograph*. 1½ pp. *Endorsed*, Recd. Read 14 Feb., 1697-8. [*Board of Trade*. Proprieties, 2. No. 11; and 25. p. 194.]

[Feb. 14.]

223. Memorial of Lord Cutts and others to Council of Trade and Plantations. We have asked the royal sanction for the making of small money (*see* No. 209) the necessity for which has been shown by multiplied petitions from the Plantations. Half-pence, pence and twopenny-pieces are required because they in the Plantations have no specie besides Spanish money, nor any of a less denomination than a royal plate, to which these will bear a suitable proportion of exchange. That Spanish money is not of greater value (considering the rates it goes at) than what is now proposed to be coined, the charge of coinage and contingencies being deducted, so that what is now intended is to answer the necessities of the Plantations in such manner as will really be to the advantage of trade. Accordingly a metal is prepared, both white and yellow, of such a composition as it not likely to be counterfeited and of such a value as not to give encouragement to attempt it. Of the white metal shall be made penny and twopenny pieces, which shall be of value about three shillings an ounce; and the half-pence shall be of the yellow metal, worth at least two shillings an ounce, each piece bearing suitable proportion to the said value. If any objection be made to the value of the said coins, it may be answered that the Spanish money, from which neither the King nor his subjects have any advantage, is not of a greater value (taken generally) than what is now proposed; and if a higher value for the coin should be insisted on, the King's favour would issue in the patentees' charge and loss. Besides, there scarcely needs rules in this case, because it cannot be to the interest of the undertakers to make anything base, mean or inferior, lest they should be put upon by counterfeit, which will prove a greater loss to them than to the individuals who might be cheated thereby. What is now produced is but specimens of the metal, but as soon as the devices for the coin shall be projected and approved, and a precept for cutting the dies projected and submitted to the King's pleasure, it is designed to put this matter into speedy practice; and within, at longest, six months each Plantation shall be supplied in proportion to its demands. *Signed*, Cutts, H. Pickering, J. Dudley. 1½ pp. *Endorsed*, Recd. Read 14 Feb., 1697-8. [*Board of Trade*. Plantations General, 4. No. 91; and 34. pp. 237-238.]

[Feb. 14.]

224. "Narrative of Mr. Henry Watson, who was taken prisoner by the pirates, 15 August, 1696." On 14 August, 1696, I embarked on board the ship *Ruparrel*, bound to Bombay, having freighted on her thirty-five bales of coffee, etc., and other goods on the *Calicut*, merchant, which was to sail in her company. On 15 August both ships were taken by a pirate which came out of the *Babs*. It was proposed to the Captain of the *Ruparrel* that she

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should be redeemed at Aden for 35,000 pieces of eight, and it was so agreed upon, though I advised to the contrary, because neither he nor his owners had ever been or had any correspondents at Aden ; hence they could not expect the money to be provided and the Governor would be greatly to blame if he permitted it to come on board, this being the best way to spoil the trade of the port, encourage pirates to use these seas, and so to ruin the traffic of Mocha, Aden, etc. However, the ship was brought to Aden, when a native merchant and another young merchant-freighter (upon whose credit the money was apparently to be procured) were sent ashore, but after staying two days there was no sign of their getting the money or of their coming off themselves. On the third day the Captain was sent ashore with some lascars to hasten off the money, lest the pirates should burn the ships, as they threatened to do. That night two fires were seen ashore, which were supposed to be the two boats, and next morning a shot was fired as a signal that the ship would not be redeemed. Thereupon they fell again to plundering the ship, which I thought had been effectually done before. On 22 August about eleven o'clock the ships were set on fire in sight of the people of Aden, first the Calicut, then the Ruparrel with the English ensign flying. The lascars were sent away on floats, and the mate, gunner and myself were carried on board the pirate-ship, which was a prize taken from the French, formerly called the St. Paul, but now the John and Rebecca. The master of the Calicut proposed to them to plunder Congo in Persia, and they accordingly proceeded on the voyage. On the 22nd September we arrived at Tompo, called by the pirates Antelope Island from the great number of antelopes there, from whence they sent their boats to view Congo ; but learning from two fishing-boats, captured in the night, that six Portuguese men-of-war were lying there, they resolved to stay a while in the hope that these might depart shortly. They careened their ship and killed great quantities of antelopes, until being weary of that kind of flesh and having nothing but stinking beef and doughboys (that is dough made into a lump and boiled) they weighed anchor on 16 October and came down again to Cape Mussington. There they plundered a small fishing town and got good store of dates and salt fish, but returning on the 20th they saw four Dutch ships and fled for fear of them into Cape Mussington, turning up next day towards the Island aforesaid. Off Hisnies they took a Frank, that told them of two great ships, supposed to be English from Europe, at Gambroon, which scared them not a little. On the 22nd they arrived again at Tompo and on the 25th sent boats to view another island up the Gulf. These had not been long gone before a boat was seen to come and view the ship, which they suspected to be a spy from Congo, as she in reality was. That night the mates and gunners of the Calicut and Ruparrel contrived to escape in a small boat, which made them think their designs frustrated. Thereupon they called for me and threatened to make me fast and beat me, and afterwards turn me on shore naked on a bare rock, or maroon-key as they called it, without food, wood or water. I told them that they knew my daily solicitation to them to be put on shore, that I knew nothing of these men's going or I

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should certainly have escaped with them. This abated their rigour and villainous design against me. They would have weighed and gone away that night but for their unwillingness to leave behind them their boats and men, which came not back till the 30th. During my residence with them they were very kind to me in giving me my clothes again, with leave to sell them. Afterwards they put it to the vote whether I should bring the money or not, and at about one o'clock they gave me a boat and ten Arabs, whom, knowing something of their language, I persuaded to carry me to Gomron, where the East India Company has a factory. I landed there at sunrise on 2 November, and found the four escaped men already there. During my residence with the pirates, whose chief rendezvous is at an island called St. Mary's near Madagascar, I understood they were supplied with ammunition and all sorts of necessaries by one Captain Baldrige and Lawrence Johnston, two old pirates that are settled in the above islands, and are factors for one Frederick Phillips, who under pretence of trading to Madagascar for negro slaves, supplies these rogues with all sorts of stores, consigning them to Baldrige and Johnston. These two are both of them married to country women, and many of the others are married at Madagascar. They have a kind of fortification of seven or eight guns upon St. Mary's. Their design in marrying the country women is to ingratiate themselves with the inhabitants, with whom they go into war against other petty kings. If one Englishman goes with the Prince with whom he lives to war, he has half the slaves that are taken for his pains. I have often heard the commander and many of his men say that he took the ship from the French near the river of Canada, and that they had a commission from the Governor of New York to take the French. They fitted their ship from Rhode Island, and the then Governor of New York knew their designs as also the Governor of Rhode Island. Another pirate-ship of equal burden was fitted out there at the same time with this, which Hore commands. The Captain of the other ship is Richard Glover, brother-in-law to Hore. He also was in the Gulf of Mocha to leeward of us when I was taken by Hore, and came on board to see us prisoners and to filch what they could from our ships, knowing from us that no more ships would come from Mocha. Glover would have persuaded Hore to return to Mocha, burn the ships in the port and plunder the town, to which Hore complied not; so she remained in the Gulf, and what is become of her since I know not.

Here follows a list of the men on board the pirate John and Rebecca, 94 names in all, with a note to say that there were 22 more Europeans on board, besides blacks. All the names except five or six are British. Large sheet. Endorsed, Presented to the Board by himself, 14 Feb., 1697-8. [Board of Trade. Plantations General, 4. No. 90.]

Feb. 14. **225.** Earl of Orford to William Popple. I fear that I cannot attend the Council of Trade to-morrow at ten o'clock on the business of pirates, being commanded to attend the King at that hour, though I have a great desire to wait upon their Lordships when they fall upon that consideration. I fear also the Lord Chancellor

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is not well enough in his health to be there, and I submit to better judgments whether his presence may not be of great use in the matter. If any other business should defer this I shall be punctual at any summons that you give me. *Signed, Orford. Holograph. 3/4 p. Endorsed, Reed. Read 14 Feb., 1697-8. [Board of Trade. Plantations General, 4. No. 92.]*

Feb. 14.

226. Journal of Council of Trade and Plantations. A letter from Mr. Blackborne read that one Mr. Watson would attend to give information as to pirates in the East Indies. Mr. Watson accordingly attended and handed in a narrative which was read (*No. 224*). He also said that he had been physician to the King of Mocha, and added that the East India Company's measures of trade were quite overset by pirates. The Secretary reported that by Lord Bridgewater's orders the meeting of the great officers had been summoned for to-morrow at the Cockpit.

The Secretary also reported that he had this day received from the Exchequer £150 in malt-lottery tickets for the incident expenses of the Board. He was ordered to sell some of them and pay £15 to Mr. Story for the charge of his voyage to New Hampshire.

Sir Henry Pickering and others presented a memorial of Lord Cutts and others (*No. 223*). The Council asked to see specimens of the metal, and directed that the present patentees for farthings should receive notice of the matter, and offer what they have to say thereon.

Mr. Day presented a memorial (*No. 221*). Order for a representation to be prepared thereon.

Mr. Penn's letter of this day read (*No. 222*).

Order for a representation for the recall of the Engineers sent to the Colonies.

Order for the Secretary to ascertain the names of the Admiralty officers appointed in Carolina.

Feb. 15.

Lord Privy Seal acquainting the Board that one Mr. Langley could give information as to pirates in the East Indies, it was ordered that he be asked to give in a memorial thereupon. The Board then proceeded to consider the question further.

Feb. 16.

Order for Mr. Gilbert Heathcote to be pressed for an answer to the letters of 3rd and 4th inst. Representation concerning engineers agreed on.

Feb. 17.

The representation of yesterday signed.

Mr. Bridgeman's letter of yesterday read (*No. 233*).

Mr. Tyrrell attended on his brother's business. The Council resolved to write to Sir William Beeston in his favour.

Mr. Langley's letter of this day read, also several extracts from letters to the East India Company (*Nos. 234, 235*). John Finlinson, a seaman, sent down by the East India Company, then gave information as to the pirate-settlement at Santa Maria and Captain Baldrige.

Draft circulars were brought up. It was resolved to omit the clause as to printing the laws.

Feb. 18.

Mr. Fullerton attended and gave information as to the pirate Glover, and as to Mr. Phillips of New York, who upon information of great wealth to be found at Delagoa, on the main opposite to Madagascar, sent a ship to look for the place, but could not find it.

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Mr. Heathcote's letter of this day read and order given to the Secretary for a letter to the Admiralty thereupon. [*Board of Trade. Journal*, 10. pp. 424-436.]

Feb. 14.

227. Minutes of Council of Nevis. Letter from the Commissioners of the Customs that the Lieutenant-Governor and Naval Officers of Nevis had not taken the oaths prescribed by the Acts for regulating the Plantation Trade. Depositions to the fact were taken, and Lieutenant-Governor Gardner was thereupon suspended.

Feb. 15.

Proclamations of the Governor vesting the Government of Nevis in the Council with William Burt for President.

Feb. 16.

William Burt was sworn to the Acts of Trade. [*Board of Trade. Leeward Islands*, 64. pp. 459-464.]

Feb. 15.

228. Minutes of Council of Barbados. The writs for the Assembly were returned, and the members sworn. Order for a new commission to be issued appointing judges and assistants for Oistins Court and Bridge Court. Colonel Maxwell was presented as Speaker, whereupon the Council told them that they conceived that they were not a house, Colonel Alleyne not having come to be sworn, although a member. The Assembly retired and returned to say that they believed themselves to be a house; the Council also stood by their former opinion. The Assembly then said that they were no house and that the Council might issue new writs; and therewith departed. [*Board of Trade. Barbados*, 65. pp. 279-280.]

Feb. 15.

229. Journal of Assembly of Barbados. List of the members. Thomas Maxwell was elected Speaker and presented, when the Council doubted whether the members could elect a Speaker until all those returned by the writ were present (*see the preceding abstract*). William Rawlin elected Clerk, and William Woodhouse, Marshal. [*Board of Trade. Barbados*, 65. pp. 287-288.]

Feb. 15.

230. Minutes of Council of Maryland. Resolved to defer the meeting of the Assembly till the 8th of March owing to the severity of the weather. Writ issued to that effect. Order for enquiry whether any horses have been pressed by the Governor for the public or his own service without payment made for the same, and whether the Governor has ever by arbitrary power seized men's estates, or has ever put the country to unreasonable expense by building larger churches than necessary or has defrauded the people or clergy therein. Order for an enquiry as to maltreatment of an Indian. [*Board of Trade. Maryland*, 13. pp. 413-416.]

Feb. 15.
Nevis.

231. Governor Codrington to Council of Trade and Plantations. Yesterday the Commissioners of Customs appeared before me in Council and exhibited the enclosed memorial, informing against the Lieutenant-Governor for not taking the oaths according to the Act therein mentioned. The case being proved (*see depositions enclosed*) I, with the advice of the Council, suspended the Lieutenant-Governor pending the signification of the King's pleasure. The enclosures will show what measures I have taken for the settlement of the Government. I shall proceed shortly to St. Christophers, when I shall suspend the Deputy-Governor mentioned in the same

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information. The Lieutenant-Governor of Nevis alleged that he had no notice of the Act, and that he took the oath as soon as he had knowledge of it, which was long after the time appointed; but as it plainly appeared that he had notice, I could impute it to nothing but neglect. *Signed*, Chr. Codrington. $\frac{1}{2}$ p. *Endorsed*, Reed. 20 April, Read 6 May, 1698. *Enclosed*,

231. 1. Deposition of John Perrie, Provost Marshal of the Leeward Islands. That in October, 1696, he was ordered by Governor Codrington to remind him to take the oaths appointed by the late Act for Regulating the Plantation Trade; that he reminded him accordingly, and swore him and John Yeamans at Antigua, and Colonel Thomas Delavall at Montserrat; that he proceeded thence to Nevis and reminded the Council some months before 25 March, 1697, that Lieutenant-Governor Gardner must also take the oath, but that, as far as he remembers, the Lieutenant-Governor did not. *Dated*, 14 February, 1697. 1 p.

Memorial of James Thynne and William Mead, Commissioners of Customs in the Leeward Islands, to Governor Codrington, 11 Feb., 1698. Setting forth that neither Lieutenant-Governor Gardner of Nevis nor Deputy-Governor John Macarthur of St. Christophers have taken the oath prescribed by the late Act for regulating the Plantation Trade, and that the Naval Officer of Nevis has also omitted to give the security required by that Act. $\frac{3}{4}$ p.

Deposition of James Thynne and William Mead, 14 Feb., 1697. That in July or August, 1696, they showed Lieutenant-Governor Gardner what was required of him and of the Naval Officer under the Act for regulating the Plantation Trade, and that he answered, after reading the Act, that he hoped he should not have to take the oath before William Mead. $\frac{1}{2}$ p.

Extract from Minutes of Council of Nevis, 14 February, 1698. Resolved that Lieutenant-Governor Gardner be suspended for neglect to take the oath within the time prescribed by the Act for regulating the Plantation Trade, and that the Council, or any five of them, take upon them the Government, under the Presidency of William Burt. 1 p. *Copies*. [*Board of Trade*. Leeward Islands, 5. Nos. 74, 741.; and (*without enclosure*), 45. pp. 199-200.]

Feb. 15.
Essex Street.

232. William Popple to Francis Parry. I am to inform you, as one concerned in the patent for making half-pence and farthings, that a proposal for coining small money from an artificial metal has been referred to our consideration, in order that you may draw up and offer what you may think fit upon the subject. To avoid any mistake the Council of Trade desires also a copy of your patent. [*Board of Trade*. Plantations General, 34. pp. 239-240.]

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Feb. 16.
Admiralty
Office.

233. William Bridgeman to William Popple. Forwarding a list of the officers appointed in the Courts of Admiralty in North and South Carolina. *Signed*, Wm. Bridgeman. $\frac{1}{4}$ p. *Endorsed*, Recd. Read 17 Feb., 1697-8. *Enclosed*,

233. 1. List of officers of the Admiralty Courts. *Virginia and North Carolina*. Edward Hill, Judge; Miles Cary, Register; Michael Sherman, Marshal; Edward Chilton, Advocate. *South Carolina*. Joseph Morton, Judge; Thomas Carey, Register; Richard Pollinger, Marshal; Jonathan Armory, Advocate.

An order has been given for the preparation of Letters Patent empowering the Governors of those places for the time being to appoint officers when vacancies occur. $\frac{1}{2}$ p. [*Board of Trade*. Proprieties, 2. Nos. 12, 121.; and 25. p. 195.]

Feb. 17.

234. Jonathan Langley to William Popple. I have kept home this fortnight of a very severe cold, and am still so ill that I keep my bed, and cannot without hazard stir out while the weather continues so severe. Pray excuse me to the Council of Trade. I send herewith what has come to my knowledge in the matter you wrote to me about. *Signed*, Jonathan Langley. $\frac{1}{4}$ p. *Endorsed*, Recd. Read 17 Feb., 1697-8. *Enclosed*,

234. 1. Jonathan Langley to Council of Trade and Plantations. I can give you no information as to the pirates in the East Indies from my own knowledge, but what I have received from the information of others is as follows. About a year-and-a-half ago a sloop arrived at Barbados, the master whereof applied to me on behalf of about twenty men who some years ago had committed piracies in the East Indian Ocean between the mouth of the Red Sea and the Island of Borneo. They are very desirous that application may be made to the King for the royal pardon, that they may return to their allegiance and to England with their goods, which are very considerable. They hope the more from the royal clemency since they have never offended in any of the seas belonging to the Crown of England, nor against any of the subjects of England, nor any in confederacy or alliance with the King. $\frac{1}{2}$ p. [*Board of Trade*. Plantations General, 4. Nos. 93, 931.]

[Feb. 17.]

235. Extracts from letters received by the East India Company. Letter from Fort St. George, 19 January, 1696-7. Every letter from the coast of India brings fresh advices of pirates appearing in one part or another, and committing robberies against all nations without distinction. One appearing at Calicut, took and burned several ships in the road, and brought the factory in danger of being cut off by the country people, because they were supposed to be English; and indeed it seems probable that most of them are English and come from New York. The Mocha frigate in August last went and lay among the Mergen

1698.

Islands near the harbour, where the Governor gave them entertainment; and though the masters of the English ships, who fell in there by contrary winds, warned them that they were pirates and offered their assistance in surprising them, yet they would not, probably from fear of some of the King's ships there expected, lest the pirates should seize them, as they did one at their departure in October which came from the coast. The pirates took out fourteen bales of paintings and wrote the Government that they had done it by way of reprisal, because they had refused to give up to them two of their men who ran away with 4,000 dollars, out of which they might satisfy themselves for the bales. Mr. John Wallis, master of a country-ship then at Mergen, gave a particular account of these passages, as also an account that near the Nicobar Islands Coliver the master, the quarter-master and the boatswain of the Josiah ketch, came off to him in a canoe. The boatswain died, but the other two he kept bound on the ship till the pirates on the Mocha frigate threatened in Mergen Harbour to release them. He therefore sent them into the country, from whence they made their escape to the Mocha's long-boat, and 20 got aboard. Some of the Mocha's men had in discourse declared their design to lie off Acheen for some time and then proceed for the coast of India and the Gulf of Persia; Guillam, an old pirate, is one of the Mocha's gang and goes by the name of Marshall. Their lying off the head of Acheen may probably be the advice of Coliver, who in this road gained the account of our China Manilla ships.

These villains having begun with the murder of the commander and the seizing of one of your ships will doubtless go on in making a prey of any ship they can meet with and master, without distinction, whereby not only the country-shipping, but your Honours' best ships, when single, will be in hazard of being taken by them when joined in a fleet. For there is now an account of at least seven pirates, a number not easily subdued, and capable of doing irreparable mischief to the trade of India if not quelled, as well by taking ships at sea as by offering such injuries to the natives of India as may expose our factories to ruin. And the mischief falls heavier on the English than on any other European nation, because the pirate-ships pass under the name and colours of the English, and it is known that there are many English aboard them. So that whereas the English nation has been generally respected in all parts of India, they will now lie under the character of pirates and robbers, and our soldiers in garrison and our seamen in country and Europe ships will be allured by the pirates' success to run to them, as several stragglers have already done. Were it not for the restrictive power in India the pirates' numbers had doubtless been much more increased.

Letter from Bombay, 11 April, 1697. Very lately we received advices from the Malabar Coast that the pirates have taken a Portuguese China ship and plundered her to a great amount, also that they have taken the Diamond, a ship in the English service, and sunk her because the captain resisted.

Letter from Bombay, 28 April, 1697. We hear from Calicut, under date 25 March, that the Mocha frigate and another pirate had sunk the Satisfaction, a ship of 500 tons belonging to some English,

1698.

off Zecloon (? Ceylon) laden from Bengal and bound to these parts. They kept the master and mate prisoners, and had killed four or five of their men in the fight. It is said that they sunk this ship for her rigging. They also sunk another and plundered a third, but what we wrote of the Diamond in our last letter was a mistake. The Dutch master of the plundered ship says that the Mocha frigate has now 125 English, Dutch and French; and when she was taken from the Captain the officers and others came away in the boat to the number of sixteen. She had not above three or five and thirty Europeans on board her at most. So alluring is the gain of piracy; and what it will amount to in a little time, if care be not taken to suppress these villains, God knows, nor what place they will seize or fortify to make their rendezvous. It is certain that these villains frequently say that they carry their unjust gains to New York, where they are permitted egress and regress without control, spending such coin there, in the usual lavish manner of such persons, as might sufficiently convince the Government that they came not well by it; and they stick not to report also that by picastres to the Governor they pass without being molested. *2½ large pp. Endorsed, Presented to the Board by the Under Secretary of the Company. Recd. Read 17 Feb., 1697-8. [Board of Trade. Plantations General, 4. No. 94.]*

Feb. 17.
Whitehall.

236. Council of Trade and Plantations to the King. In reply to the memorial of the Board of Ordnance referred to us by Order in Council of 13th ult. (No. 174), we think that considering how long it is since the Engineers specified in the list have been sent thither, and how much longer it will probably be before they can have notice to come away, we see no reason to doubt but they will before that time have despatched the business upon which each of them was sent, especially since there is less occasion for the same since the conclusion of peace, and we therefore see no reason why they should not be recalled. *Signed, J. Bridgewater, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Abr. Hill. [Board of Trade. Plantations General, 34. p. 241.]*

Feb. 17.
Kensington.

237. Order of the King in Council. That in accordance with the representation of the Council of Trade (*see preceding abstract*) the Earl of Romney be directed to recall the Engineers at present employed in the Plantations, by the first opportunity. *Signed, John Nicholas. ¾ p. Endorsed, Recd. 22; Read 23 Feb., 1697-8. [Board of Trade. Plantations General, 4. No. 95; and 34. pp. 243-244.]*

Feb. 17.
Kensington.

238. Order of the King in Council. That the Governors of the Plantations in America do take exact care that the several Acts, made for increasing the number of white men in their respective Governments, be effectually put in execution, and that they use their best endeavours with their General Assemblies to amend those Acts where they are in any measure defective; the Council of Trade to signify the royal pleasure to the Governors accordingly. *Signed, John Nicholas. ¾ p. Endorsed, Recd. 22nd, Read 23rd Feb., 1697-8. [Board of Trade. Plantations General, 4. No. 96; and 34. pp. 242-243.]*

1698.
Feb. 17. Kensington. **239.** Order of the King in Council. Referring a letter from the Commissioners of Ordnance respecting the officers of the train in Newfoundland to Council of Trade and Plantations for report. *Signed*, John Nicholas. $\frac{1}{2}$ p. *Endorsed*, Recd. 22, Read 23 Feb., 1697-8. *Annexed*,
- 239. i.** Commissioners of Ordnance to the Earl of Romney, 1 February, 1697-8. We enclose a list of the officers and attendants of the train of artillery who were left at Newfoundland by Colonel Gibsons for the winter, with an account of their pay *per diem*. You will see thereby that a considerable charge lies on this office for the same, which we hope may be taken off, especially as formerly such expense always lay on the respective Plantations. We submit that the King's orders should be taken as to their being remanded home. *Signed*, C. Musgrave, Jos. Charleton, Ja. Lowther, Wm. Boulter. *Copy*. $\frac{1}{2}$ p.
- 239. ii.** List of the officers and attendants of the train left at Newfoundland. Five officers, twenty-five bombardiers, gunners and artificers. Daily charge for their pay, £4 11s. 6d. Annual charge, £1,669 17s. 6d. $1\frac{1}{2}$ pp. [*Board of Trade*. Newfoundland, 3. Nos. 94, 94 i., ii.; and 25. pp. 174-177.]
- Feb. 18. St. Swithen's Lane. **240.** Gilbert Heathcote to William Popple. After all enquiry I can find no account of what free negroes the French may have carried off from Jamaica. I shall write to Jamaica itself for the information. I have no particular instructions about Sir James Castillo's Act. He only asks me to take care of it and return it to Jamaica as soon as confirmed. He did the island a very eminent service during the French invasion. I cannot tell what to say as to reserving the King's right, but I believe that the Act was passed in gratification for his good service in the defence of Jamaica. I hope all the laws will speedily be printed, and I shall then wait upon you with the book. *Signed*, Gilbert Heathcote. 1 p. *Endorsed*, Recd. Read 18 Feb., 1697-8. [*Board of Trade*. Jamaica, 8. No. 84.]
- Feb. 18. Whitehall. **241.** William Popple to the Secretaries of the Admiralty. The Agents for Jamaica are unable to give any account of the number of free negroes carried from that island by the French; but I enclose extract from a letter from Sir William Beeston of 12 February, 1694, which gives an account of the whole number of negroes taken away, without distinction of free and unfree, which is all the information that I can give. [*Board of Trade*. Jamaica, 56. p. 176.]
- Feb. 18. **242.** Francis Parry to William Popple. I enclose copy of the grant for making copper half-pence and farthings, and that we may be the better enabled to draw up and offer anything to the Council of Trade for supplying the Plantations with small money, I beg you to give me a copy of the proposal, already referred to, for coining small money of an artificial and mixed metal. *Signed*, Fran. Parry. $\frac{1}{2}$ p. *Endorsed*, Recd. Read 22 Feb., 1697-8. *Enclosed*,
- 242. i.** Abstract of Sir Jos. Herne and Partners' Patent for making copper farthings and half-pence. (1) The Patentees' proposition. Sole privilege for seven years

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beginning at Midsummer, 1694. To make sufficient quantity not exceeding 700 tons of copper. To change all old tin farthings, &c., and to pay charge of a controller, to be appointed by the King. (2) Grant sole privilege as proposed. The money to be coined in the Tower and made of fine English copper. 1*lb.* of copper avoirdupois not to make more farthings than amount to 21*d.* in tale. (3) The Tower may find leave to coin elsewhere, if convenient. Liberty to utter and vend such farthings in England, Wales and the Plantations. Figure and inscription. The coins to pass in places aforesaid to such as will receive them voluntarily and not otherwise. (4) Coinage or uttering of such coins by other persons to be forbidden during said term under penalties. Power to be given to search ships, houses, &c., for counterfeits, and (5) to seize such counterfeits, tools, &c., without giving account thereof. The Patentees to pay £200 *per annum* to a controller appointed by the King. They covenant to deliver sufficient quantities of copper to the Master of the Mint from time to time. (6) Standard of the fineness of the copper to be so delivered and kept. The metal to be delivered cut into pieces fit for stamping; to be then coined by direction of the Master of the Mint and re-delivered to the Patentees, who are to pay the charge at 5*d.* *per lb.* weight, or, (7) if the pieces be delivered fit for stamping, at 2*d.* *per lb.* weight. If the Mint-master fail in his agreement, the Treasury may appoint others. No persons to be employed except by appointment of the Treasury. (8) All profit to go to the Patentees without account. They undertake to make sufficient to change the old tin farthings, to supply England, Wales, and the Colonies with limitation of quantity and term of years as aforesaid, to take no greater price than the coins are coined for, and to keep a public office in a convenient place. (9) They covenant to change tin farthings not exceeding £200 a week and melt them down. They submit their management to inspection of any persons appointed by the King. They are to have the use of the King's tools, also formerly employed in making tin farthings. (10) Upon performance of these conditions, they are to enjoy their privileges aforesaid without molestation. 1½ *pp.*

242. II. Full text of the agreement abstracted above, dated 27 June, 1694. 9½ *large pages*. [*Board of Trade. Plantations General, 4. No. 97, 971, II.*]

Feb. 18.
Montserrat.

243. Lieutenant-Governor, Council and Assembly of Montserrat to Council of Trade and Plantations. We are informed that a complaint has been exhibited by one Mr. Walrond and other inhabitants of Antigua against Governor Codrington, and having well considered thereof declare and believe the same to be false, scandalous, and the effects of malice and ill-will. We are sensible

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of no irregularities on Governor Codrington's part with any design to prejudice the people. It is also our firm belief that he is no Jacobite nor countenancer of such, but, on the contrary, has since the Revolution behaved himself as a true Protestant and with hearty zeal for King William. On all expeditions against the French he has shown extraordinary forwardness, as witness his retaking of St. Christophers and his serving as a volunteer in the expedition to Martinique, which island had assuredly been taken, had the command been vested in him. Nor have we reason to believe him a covetous person, since during the time of his government he has governed us gratis, and as to the accusation against him of breach of the Acts of Trade, we know not how it can be supported, for he has been very diligent in prosecuting them that act contrary to those Acts. As to his maintaining many vessels, we are of opinion that it has been of great advantage to these islands, since in time of danger they have been very useful as scouts. As to his keeping evil councillors, we are strangers to the matter, but we affirm that the men employed by him did good service in these islands, for their advice had so great a relish of integrity and well wishes towards the present Government that, joined to the Governor's courage, we believe it to have been in great measure instrumental to our preservation from ruin. We wish in gratitude to give of our own free will this unbiassed testimony of Governor Codrington's mild and upright government. *Signed*, T. Delavall, Edw. Bunscombe, Speaker, and by twelve more. 1½ pp. *Endorsed*, Recd. April, Read 6 May, 1698. [*Board of Trade*. Leeward Islands, 5. No. 75; and 45. pp. 182-184.]

- Feb. 21. **244.** Minutes of Council of Maryland. Draft writ of prorogation for the Assembly submitted to the law-officers. William Bladen appointed clerk to the Delegates.
- Feb. 22. The Attorney-General suggested amendments of the writ of prorogation, which were approved.
- Feb. 23. The case of two suspicious vessels was considered, but all was found to have been legally done.
- Feb. 24. Thomas Tench, Henry Denton and Thomas Hutchins were sworn Judge, Registrar and Marshal of the Vice-Admiralty Court of the Western shore. Edward Price produced his commission as a Surveyor of Customs and was sworn. [*Board of Trade*. Maryland, 13. pp. 416-417.]
- Feb. 22. **245.** Minutes of Council of Barbados. Order for five additional men to be furnished to Captain Reeves. Minute recording that the President and Mr. George Andrews are willing to advance the money required for H.M. ships Newcastle and Bideford from their private purses, and desire the Council to write to the Commissioners of the Navy to order punctual payment of the bills upon which the money is advanced. Order for twenty-eight men to be supplied to H.M.S. Deptford. Sundry accounts passed. Order for a present of fresh provisions to the value of £50 to be made to Lord Bellomont for his voyage. [*Board of Trade*. Barbados, 65. pp. 280-282.]

1698.
Feb. 22. **246.** Journal of Council of Trade and Plantations. Draft letters to the whole of the Plantations in accordance with the resolutions of 9th inst. agreed upon, and directions given to the Secretary for others.
Mr. Parry's letter of 18th inst. read (No. 242), and a copy of the document which he desired given to him.
- Feb. 23. The letters agreed upon yesterday were signed.
One order of Council of 3rd inst. as to Governor Russell's present, and three of 17th inst. (Nos. 237-239) received. Order thereupon for letters to be prepared as to the militia of the Colonies, and for Colonel Gibsone to attend on the business of Newfoundland.
- Feb. 25. Abstract of the patent for making farthings read.
Captain Andrews attended upon the business of pirates in the East Indies, giving information as to their habits and as to the strength of the expedition necessary to suppress them.
- Feb. 26. The Council met at the Cockpit, the Lord Privy Seal, Mr. Secretary Vernon and Lord Orford being present. The business of the pirates in the East was discussed, and a representation prepared and signed, of this day's date (No. 265). [*Board of Trade. Journal, 10. pp. 437-445.*]
- Feb. 23. **247.** Council of Trade and Plantations to Governor the Earl of Bellomont. Forwarding the King's proclamation forbidding his subjects from taking service with foreign princes. Signed, J. Bridgewater, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen, Abr. Hill.
The same was written to the Governor of New Hampshire. [*Board of Trade. New England, 36. p. 349.*]
- Feb. 23. **248.** Council of Trade and Plantations to the President and Cockpit. Council of Barbados. Forwarding copies of the King's proclamation forbidding his subjects to take service with foreign princes, and directing that the King's pleasure therein be observed and transgressors thereof punished. Signed, J. Bridgewater, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Abr. Hill. [*Board of Trade. Barbados, 44. p. 138.*]
- Feb. 23. **249.** William Popple to the President and Council of Cockpit. Barbados. Forwarding a ream of paper with instructions as to the future conduct of correspondence. [*Board of Trade. Barbados, 44. pp. 139-140.*]
- Feb. 23. **250.** Council of Trade and Plantations to Governor Nicholson. Cockpit. We send you a copy of the opinion of the Law Officers (*see No. 72*) upon your doubts as to prosecutions for breaches of the Acts of Trade. The laws of Maryland still lie as when we last wrote to you, but we hope the suspense will not last much longer. An Agent or Agents would be very useful for promoting expedition therein. We send you the King's proclamation of 28 January, forbidding his subjects to enter the service of foreign princes. Signed, J. Bridgewater, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen, Abr. Hill. [*Board of Trade. Maryland, 9. pp. 174-175.*]
- Feb. 23. **251.** William Popple to Governor Nicholson. I send a ream of paper, which is selected as proper for the uses intimated to you in the Council's letter of 2 September. [*Board of Trade. Maryland, 9. p. 176.*]

1698.
Feb. 23. **252.** Council of Trade and Plantations to Governor the Earl of Bellomont. We send you the King's proclamation of 28th ult. prohibiting English subjects from taking service with foreign princes, also copy of a letter which has been addressed to Rhode Island and Connecticut. If either of these Colonies makes any difficulties as to what is required of them, you will report it together with your opinion as to the means of removing those difficulties. We recommend the appointment of an Agent for New York to reside in London. Since your departure the claim of East Jersey for privilege of ports has been disallowed, and we send you copy of the Order in Council which has been issued thereupon. We need hardly recall to you the great importance of the production of naval stores in the Colonies and of giving us full information as to the same. *Signed, J. Bridgewater, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen, Abr. Hill.* [*Board of Trade.* New York, 52. pp. 299-301.]
- Feb. 23. **253.** William Popple to Governor the Earl of Bellomont. Desiring him to send copies of such laws of Massachusetts and New York as have been printed. [*Board of Trade.* New York, 52. p. 302.]
- Feb. 23.
Whitehall. **254.** Council of Trade and Plantations to the Proprietors of Carolina and the Bahamas and to the Governors and Companies of Connecticut and Rhode Island. Forwarding the proclamation forbidding British subjects to take service with foreign princes. Connecticut and Rhode Island are also instructed to send copies of their Acts and Laws. [*Board of Trade.* Proprieties, 25. pp. 196-197.]
- Feb. 23.
Cockpit. **255.** William Popple to the Governor and Company of Rhode Island. Your address to the King, undated, was referred by him to the Council of Trade, to whom you may address all further communications. [*Board of Trade.* Proprieties, 25. p. 198.]
- Feb. 23.
Cockpit. **256.** Council of Trade and Plantations to Governor Sir William Beeston. We send you a royal proclamation forbidding English subjects to enter the service of foreign princes, which you will cause to be published. Your letters of 12 June to Mr. Blathwayt and of 15 July and 11 September to us have been received. The agents will no doubt have informed you as to Colonel Beckford's dormant commission and as to the passing of two private Acts of Jamaica. The remaining Acts shall be laid before the King shortly. We have laid before the Treasury your report that you had devoted £1,000 of the soldiers' subsistence money to the victualling of the King's ships. No doubt they have given the necessary directions thereupon. We so well approve of your suggestion in your letter of 27 January that we have directed Governor Codrington to send you intelligence from Windward on all extraordinary occasions. Your apprehensions of the dissatisfaction of Admiral Nevill's captains was not groundless, for several complaints have been made by them. We, however, being entirely satisfied in that matter wrote our opinion to Mr. Secretary Vernon, since which we have heard no more of it. Copy of the letter is enclosed to give you your satisfaction. We send you also copy of a

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- Feb. 22. **246.** Journal of Council of Trade and Plantations. Draft letters to the whole of the Plantations in accordance with the resolutions of 9th inst. agreed upon, and directions given to the Secretary for others.
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Cockpit. **255.** William Popple to the Governor and Company of Rhode Island. Your address to the King, undated, was referred by him to the Council of Trade, to whom you may address all further communications. [*Board of Trade.* Proprieties, 25. p. 198.]
- Feb. 23.
Cockpit. **256.** Council of Trade and Plantations to Governor Sir William Beeston. We send you a royal proclamation forbidding English subjects to enter the service of foreign princes, which you will cause to be published. Your letters of 12 June to Mr. Blathwayt and of 15 July and 11 September to us have been received. The agents will no doubt have informed you as to Colonel Beckford's dormant commission and as to the passing of two private Acts of Jamaica. The remaining Acts shall be laid before the King shortly. We have laid before the Treasury your report that you had devoted £1,000 of the soldiers' subsistence money to the victualling of the King's ships. No doubt they have given the necessary directions thereupon. We so well approve of your suggestion in your letter of 27 January that we have directed Governor Codrington to send you intelligence from Windward on all extraordinary occasions. Your apprehensions of the dissatisfaction of Admiral Nevill's captains was not groundless, for several complaints have been made by them. We, however, being entirely satisfied in that matter wrote our opinion to Mr. Secretary Vernon, since which we have heard no more of it. Copy of the letter is enclosed to give you your satisfaction. We send you also copy of a

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petition from Captain Usher Tyrrell. We have not thought fit to advise the King to recommend the matter to the General Assembly of Jamaica, but if, by your mediation or their own inclination, the Assembly be ready to meet his wishes we shall be ready to advise the King to confirm the Act. *Signed*, J. Bridgewater, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Abr. Hill. [*Board of Trade*. Jamaica, 56. pp. 177-179.]

Feb. 23.
Cockpit.

257. William Popple to Governor Sir William Beeston. Sending him a ream of ruled paper, together with certain rules for the future conduct of correspondence. [*Board of Trade*. Jamaica, 56. pp. 179-181].

Feb. 23.
Cockpit.

258. Council of Trade and Plantations to Governor Codrington. We have received yours of 5 July, 27 September and 22 October last. Pending further orders as to Tortola you will continue to observe the King's instructions of 5 December, 1694, and suffer no foreigners to settle on any of the Virgin Islands which they do not lawfully possess. We send you the King's proclamation forbidding his subjects to enter the service of foreign princes. Sir William Beeston complains of the want of intelligence from Windward at Jamaica and offers to pay the expense of a sloop sent express with news. Though there is now less occasion for this in view of the peace, we do not omit to signify it to you. We enclose an affidavit on behalf of one Benjamin Burnet for your enquiry and directions therein. *Signed*, J. Bridgewater, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Abr. Hill. [*Board of Trade*. Leeward Islands, 45. pp. 168-170.]

Feb. 23.
Cockpit.

259. Council of Trade and Plantations to Governor Sir Edmund Andros. Since our letter to you of 2 September we have received yours of 1 July. We send you the King's proclamation of 28th January last, prohibiting his subjects from entering the service of foreign princes, which you will publish, taking all care that in you lies to enforce the same. There is a useful practice in many Colonies to keep an Agent resident in England, and we suggest that there should be one for Virginia. *Signed*, J. Bridgewater, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Abr. Hill. [*Board of Trade*. Virginia, 37. pp. 198-199.]

Feb. 23.
Cockpit.

260. William Popple to Sir Edmund Andros. I send a ream of paper ruled in the form which the Council think proper for the uses mentioned in their letter of 2 September last, and especially for the journals of public proceedings. When this is done you will take care that other paper of the same form be provided. [*Board of Trade*. Virginia, 37. pp. 199-200.]

Feb. 23.

261. Minutes of Council of Maryland in Assembly. Eleven delegates appeared, who were sworn, after which the writ of prorogation to the 8th of March was read. [*Board of Trade*. Maryland, 14. pp. 235-237.]

Feb. 23.

262. Minutes of Council of Massachusetts. Orders for payment of £179 to Caleb Ray for keeping French prisoners, and of £8 smart-money to Abraham Foster.

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Feb. 24. Orders for proclamations for the dissolution of the Assembly and for a general fast; also for payment of £5 to two constables of Boston for impressing seamen. The Lieutenant-Governor reported that he had received an order from Whitehall admitting Jahleel Brenton, and the officers of Customs in future, to appeal from the Courts of the Colony to the King in Council.
- Feb. 25. Information being given of murders by the Indians near Andover, orders were given to raise a hundred men in the adjacent towns to pursue the enemy. [*Board of Trade*. New England, 49. pp. 140-143.]
- Feb. 25. **263.** Minutes of Council of Jamaica. Order for a payment for the importation of a tradesman from England. Proclamation calling upon the inhabitants to provide themselves with white servants according to the Act, under the penalties prescribed by that Act. [*Board of Trade*. Jamaica, 79. pp. 77-79.]
- Feb. 25. **264.** Minutes of Council and Assembly of Antigua. On the proposal of the Assembly a joint committee was appointed to consider of the business to be laid before the General Council and Assembly. The Assembly also asked for a joint committee to prepare two amending Acts. [*Board of Trade*. Leeward Islands, 64. pp. 248-250.]
- Feb. 26. **265.** Council of Trade and Plantations to Mr. Secretary Vernon. Forwarding a report concerning pirates in the West Indies, to be laid before the King. Signed, J. Bridgewater, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Abr. Hill. *Annexed*,
265. 1. Council of Trade and Plantations to the King. By further information that we have received it is evident to us that the pirates in the East Indies do resort to St. Mary near Madagascar, where they are supplied by one Baldrige (who has made himself the head of a disorderly rabble of Europeans and natives) with provisions and other necessities sent thither by your Colonies in America. We can have no certainty of the number or strength of the pirates settled on the island, but the evidence before us tends to show that they daily increase. We therefore repeat our former recommendation to send a squadron of three ships to those parts (*see No. 173*), but since this undertaking will redound chiefly to the advantage of the East India Company (as by lessening the charge for convoying the Mogul's ships from port to port) we think that they may reasonably be expected to contribute one half of the cost of the expedition. Again, the chief support of these pirates lies in your Colonies, and particularly in those under Proprieties and Chartered Governments. The Proprietors have not yet presented their Governors and Deputy Governors to you for approbation, according to the late Act of Parliament, nor given security for them according to your order made in pursuance of the address from the House of Lords. If the said Proprieties and Chartered Governments do not speedily comply with

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what is required of them, as abovesaid, we see no means to prevent the continuance of this mischief without calling in the further assistance of Parliament. *Signed*, J. Bridgewater, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Abr. Hill. [*Board of Trade. Plantations General*, 34. pp. 245-249.]

Feb. 26. **266.** "Abstract of papers relating to piracy in the East Indies." This is a brief summary of the Council of Trade's representation of 9 December, 1697, Secretary Vernon's letter of 21 December, 1697, with its enclosures, the request of the East India Company when they attended the Council on 4 January, 1698 (No. 150), Captain Warren's information given to the Council on 10 January, the Council's additional representation of 13 January, the further information given by the East India Company on 1 February, Henry Watson's narrative of 14 February, the information given by John Finlinson to the Council at its meeting of 17 February, Jonathan Langley's written information of the same date, the information given by Mr. Fullerton to the Council at its meeting of 18 February, and the recommendations made to the Council by Captain Andrews at its meeting of 25 February. 4 pp. *Endorsed*, 26 Feb., 1697-8. [*Board of Trade. Plantations General*, 4. No. 98.]

Feb. 28. **267.** Mr. Secretary Vernon to Council of Trade and Plantations. On your representation of 26th inst., the King has ordered the Admiralty to appoint two fourth-rates and a sixth-rate to be sent to the East Indies for the suppression of the pirates in those seas, either by force or by bringing them to submission upon terms of pardon and mercy. The King desires you to consider what those terms should be, and how those who shall so submit themselves shall be disposed of and what instructions shall be given to the Commander of the squadron for performing his service in the most effectual manner. The King approves of the recommendation formerly made by you for the enactment of the Jamaica Act against pirates in the other Colonies, and desires that the Governors may be instructed accordingly. *Signed*, Ja. Vernon. 1½ pp. *Endorsed*, Reed. 1st, Read 2nd March, 1697-8. [*Board of Trade. Plantations General*, 4, No. 99; and 34. pp. 248-249.]

Feb. 28. **268.** Journal of Council of Trade and Plantations. Order for a representation on the late petition of the East India Company.

March 2. Mr. Jeffrey Jeffreys gave information that he had received complaints against Lieutenant-Governor Delavall of Montserrat of permitting illegal trade with foreigners. He would not give the name of his informant, and was therefore required to enquire if further evidence could be produced.

Mr. Secretary Vernon's letter of 28th ult. was read, concerning pirates (No. 267). Order for letters to be prepared to the East India Company and to the various Plantations thereupon.

March 4. Mr. Thornburgh's letter of yesterday read (No. 274), and another letter ordered to be written to him as to the laws of Carolina.

Mr. Parry's letter of this day read (No. 276).

Abstract of an anonymous letter about the Leeward Islands read (No. 275). [*Board of Trade. Journal*, 10. pp. 445-450.]

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March 1.
Jamaica.

269. Governor Sir William Beeston to Council of Trade and Plantations. I have already reported to you the proclamation of peace here on 11 December; nevertheless one Kelly, an English subject who has forsaken his allegiance, having no intelligence of the peace from Petit Guavos has done much mischief on the coast and several poor people. On this I sent the Chatham to Mons. Ducasse to demand restitution. They had not yet received orders as to peace, but believed it, and restored several things with seeming respect; but Kelly had not returned to his port and I fear will turn pirate. They have promised to send him to me if he returns, and if he is sent to me he shall have his deserts. He has since met the Foresight's pinnace, which he impudently plundered, though he returned the boat and men. I fear many of the French privateers will turn pirates, being a parcel of lazy fellows that will not work and are used to that trade. We much want a small frigate, a fifth or sixth rate, that sails well, to follow them. She would be more useful and much less charge than a fifty-gun ship. I find that Admiral Nevill and some of his captains would excuse their own errors by throwing them on me. Having some notice of it I have already written my justification to you and Mr. Blathwayt. I did them all the justice that lay in my power, and had no intelligence of such a fleet designed this way until they arrived, which I could not divine, though we did hope that help would be sent to us in such danger as we lay under owing to Mons. Pointis. It is very easy for people to complain when no one is there to answer, but I rely on you to hear me before condemning me, and then I doubt not to prove my innocence. This country is in very good health and in all things very quiet. Ships, provisions and other necessities arrive daily, so that I hope by degrees it will begin again to flourish and recover itself from the mean condition to which it was reduced by the war. *Signed, Wm. Beeston. Holograph. 1½ pp. Endorsed, Recd. 30 April, Read 3 May, 1698. [Board of Trade. Jamaica, 8. No. 85; and 56. pp. 193-194.]*

March 1. **270.** Minutes of Council of Barbados. The sailing orders for Captain Reeves of the Newcastle and Samuel Martin of the Bideford, for England, were signed. [*Board of Trade. Barbados, 65. p. 343.*]

March 1. **271.** Journal of Assembly of Barbados. Rules of the House considered and confirmed. The Clerk's salary fixed at £150, and the Marshal's at £25 a year. Adjourned to 12 April. [*Board of Trade. Barbados, 65. pp. 288-289.*]

March 2. **272.** President and Council of Barbados to Council of Trade and Plantations. It is the happiness of this Island (and of the rest of the American Colonies) that the King has placed it under your care. This island perhaps is the most important of all both for the value of its productions, its great employment of shipping, its great expense of English manufactures, and its happy situation, which renders it the key of America and the centre of trade. But this long unhappy war and the grievous mortality that has assaulted us have wrought a great change. Many of our families are dead, others reduced to great poverty, large tracts of

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land waste and unmanured which formerly made great production, and many plantations, which were as fee-farm-rents to the Crown, utterly ruined. We now hope, however, that we may be restored to our former condition, to which end we would recommend the following proposals to your favour. (1) That we may be supplied with great numbers of negroes upon easy terms, since each one of them works as well for the Prince as for the proprietor. But this cannot be expected if the great African Trade be incorporated into a Company, which we understand is much endeavoured, for there we must buy only of their factors and at their prices, which of late years have been unsupportable. (2) That we may be supplied with a sufficient number of white servants, from whom will accrue both the profit and the security of the island. (3) That the $4\frac{1}{2}$ per cent. duty be applied to the purposes for which it was raised, for our poverty is so great that we can raise no more taxes. (4) That the additional duties on sugar be taken off, otherwise the making of that commodity will not answer the charge nor afford a livelihood to the planter. We could recount many other matters, but these are all that we would urge upon your consideration at present. We forward the journals of Council and the laws passed during the past six months. We cannot send the accounts of the Treasury, the settlement of which has been retarded by the recent death of the Treasurer. We shall, however, transmit them as soon as they are perfected, that you may see at what charge we are for the support and preservation of the island. We send also the state of our magazine. Our stock of powder shall never again be so low as we found it to be some time since, when the loss of the island might have ensued. Many of these stores are of our own purchase, and the quantity had been far greater but for the interception of the unhappy fleet by the French last year. We shall with the utmost care observe the King's commands as to the Acts of Trade and as to pirates. We send a list of the present Council, adhering to our former list of persons qualified to fill vacancies therein. We propose very soon to call a Council of War to consult with Captain Talbot Edwards as to the new works necessary for defence of the island, which we shall then recommend to the Assembly; but we think it our duty to say that the late war and the additional duties have so thinned and impoverished the island that it will be difficult to raise money for the purpose. *Signed*, Fran. Bond, Prest., Geo. Andrew, Jno. Bromley, Geo. Lillington, Michael Terrill. $2\frac{1}{2}$ pp. *Inscribed with a short abstract. Endorsed*, Recd. 12th, Read 13th May, 1698. *Enclosed*,

272. 1. Names of the Council of Barbados, 3 March, 1697-8. Francis Bond, John Gibbes, John Farmer, Geo. Lillington, Geo. Andrews, John Bromley, Wm. Sharpe, Tobias Frere, Michael Terrill, David Ramsay. $\frac{1}{2}$ p. *Endorsed as the letter. [Board of Trade. Barbados, 7. Nos. 61, 61 r.; and (without enclosure) 44. pp. 196-201.]*

March 3. 273. Minutes of Council of Massachusetts. On the representation of Samuel Appleton, he and his brother were placed in charge of certain cattle belonging to his father, who died inestate. *[Board of Trade. New England, 49. pp. 143-144.]*

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- March 3. **274.** William Thornburgh to William Popple. The Lords Proprietors of Carolina have despatched orders for copies of the laws to be sent to the Council of Trade by first opportunity. *Signed*, Wm. Thornburgh. *Scrap. Endorsed*, Recd., Read 4 March, 1697-8. [*Board of Trade. Proprieties, 2. No. 13; and 25. p. 198.*]
- March 4. **275.** Anonymous letter, superscribed, "Memoirs about the Leeward Islands." This opens with a general declaration against governors, disorders in the church, and misapplications of forfeitures and fees. Then follow gross complaints of John Perrie of Antigua, of his power with Governor Codrington, his traffic in illegal trade, his plundering of a Spanish vessel, and of his elevation to the post of Provost Marshal. Then follows more abuse of Governor Codrington, stories of his favour to Jacobites and papists, an attack on Archibald Hutcheson, further insinuations against Perrie and others, and more attacks upon the Governor, etc. *7 large pages. Endorsed*, Sent to the Board in a penny post letter without date or name. Recd., Read 4 March, 1697-8. *A short abstract is attached.* [*Board of Trade. Leeward Islands, 5. No. 76.*]
- March 4. **276.** Francis Parry to William Popple. Enclosing a report of the Patentees for making copper coin upon the memorial of Lord Cutts and others (*No. 223*), and praying that they may be heard by the Council of Trade before the Council comes to a determination on the matter. *Signed*, Fran. Parry. $\frac{1}{4}$ p. *Endorsed*, Recd., Read 4 March, 1697-8. *Enclosed*,
- 276. 1.** Patentees for making copper coin to Council of Trade and Plantations. Farthing Office, 3 March, 1697-8. On perusing the memorial of Lord Cutts and others we conceive their proposals to be an infringement of our patent for making copper halfpence and farthings for the Plantations and England, and very pernicious to both. When, upon a general complaint against tin money, divers projectors proposed the making of two-penny pieces, pence, halfpence and farthings, of the same kind of metal as that now submitted to you by Lord Cutts, the undertakers for making English copper at the same time proposed to make halfpence and farthings of native copper. Both proposals were laid before the Council and the Treasury, and both Council and Treasury after full consideration agreed to advise the King to grant the making of the coins in copper, and for the encouragement of making copper in this kingdom, of English copper. In pursuance of this grant great quantities of copper halfpence and farthings have been made and are yet making, to the general satisfaction and advantage, without apprehension of counterfeits. We therefore conceive that no kind of coin can better answer the needs of the Plantations than copper halfpence and farthings of the same weight and fineness as the Patentees are authorised and required to make. There has been and can be no objection or hindrance to their currency in the Plantations,

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except that, by reason of their value, they would be immediately returned to England as the most considerable commodity that could thence be brought. To prevent this we propose to stamp the blanks with a different die, and to prohibit all of that stamp to pass or be taken in England, authorising the Patentees to seize to their own use all that they find in this kingdom. *Signed*, Fran. Parry, Edward Ambrose, M. Slaney, Dan. Barton, Tho. Renda. $1\frac{1}{2}$ pp. [*Board of Trade*. Plantations General, 4. Nos. 100,100 i.; and (enclosure only) 34. pp. 250-252.]

March 5. **277.** Receipt for one large bundle and one large packet given by Mr. Perry for delivery to Sir Edmund Andros, in Virginia. *Signed*, Tho. Hasted. *Scrap*. [*Board of Trade*. Virginia, 6. No. 38.]

March 7. **278.** Samuel Day to Council of Trade and Plantations. A new seal is wanting for Bermuda, the seal now used bearing the name of King James. An Admiralty seal is also wanting. I beg that these may be supplied. *Signed*, Sam. Day. $\frac{1}{2}$ p. *Endorsed*, Reed. Read 7 March, 1697-8. [*Board of Trade*. Bermuda, 3. No. 22; and 29. p. 110.]

March 7.
East India
House. **279.** The East India Company to Council of Trade and Plantations. In reply to Mr. Popple's letter of 2nd inst. we offer our opinion as follows. It would most effectually tend to the suppression of the pirates in the Indian seas if the three men-of-war appointed for the service were sent from hence at the beginning of April or sooner direct to St. Mary's Island, where the pirates have their residence and fortification and to which they return with their spoil. The squadron should stay at the Island till the middle of October, by which time the pirates return with their plunder from shipping of the Red Sea and the Gulf of Persia, which is despatched homeward from Mocha and the other places in August. After the middle of October it may be convenient for the squadron to make for Cape Comorin, where it is likely to meet with such pirates as are looking out for other country-ships, which about that time of the year always make the said Cape in their voyages from the coast of Coromandel, Bengal, and Acheen for Surat, the Gulf of Persia and other places. Having plied off the Cape for five or six days, the squadron should coast it all along the coasts of Malabar and India as far as Bombay and Surat, visiting the most frequented ports as they pass for intelligence, especially Rhetora, Calicut, Tellicherry and Carwan, where the Company has factories. From Surat the squadron may proceed for the Persian Gulf, and search those seas till February and return again without loss of time to Surat, where they may obtain all sorts of provisions, stores and refreshments, and be ready to proceed in April to Mocha and other places in the Red Sea to scour those seas also. Having stayed there till August they may then be turning homeward, touching by the way at St. Mary's or the adjacent places to which the pirates resort for refreshment, to see whom they can meet with

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there, and from thence return to England. All this navigation falls in properly with the monsoons, as if it were one direct voyage.

It may not be amiss for the Commodore to have directions at large to visit, in his return, such places as he may have heard that the pirates resort to, especially the islands lying near Madagascar such as Moheila, Johanna and others, where are great plenty of refreshments. At Madagascar the squadron may victual and refresh, beef in particular being very plentiful and cheap. We further advise that the ships now in the river, which are reported to be designed for St. Mary's with arms, stores, provisions and intelligence, be prohibited from proceeding thither, lest by such supplies the pirates be enabled to resist the men-of-war or at least, by the intelligence which the said ships carry, be warned to change their usual haunts and so frustrate the expedition. As a further discouragement to pirates we suggest that the King should forthwith by proclamation prohibit all his subjects in Europe and America from trading and corresponding with or aiding pirates, whether in the Indian seas or elsewhere, for we apprehend that, without this, the pirates will spread themselves in all the Indian seas and thereby interrupt the trade both of the East and West Indies. As to the terms of pardon and mercy to be offered and the disposal of such persons as shall submit, we do not presume to offer an opinion, but we conceive that particular pardons will rather encourage than suppress pirates, and that it may prove of the worst consequence to leave any of them in those parts. *Signed*, Ro. Blackborne, Sec. 2 pp. *Endorsed*, Recd. Read 7 March, 1697-8. [*Board of Trade*. Plantations General, 4. No. 101.]

March 7. **280.** Journal of Council of Trade and Plantations. Lord Cutts, Sir Henry Pickering and others attended and showed blank specimens of the small coins which they proposed to issue. They desired copies of the patent and memorial of the patentees for copper coin, which were given to them.

The Governor of the East India Company attended and gave in a memorial on the subject of pirates in the East Indies of this day's date. He promised to use all the Company's endeavours to gain information as to some ships said to be sailing from England to help the pirates. A representation as to the Company's new charter was signed.

Draft letter to Mr. Thornburgh approved, also circulars to the West India Islands concerning white servants and to the Plantations at large concerning pirates.

Mr. Day presented a memorial (No. 278). He was directed to apply to the Admiralty upon the questions of Admiralty. The question of seals was deferred until the Secretary could see what other seals besides that of Bermuda were wanting.

March 9 The Secretary reported that the seal of Virginia was marked C.R., that of Bermuda J.R., that New Hampshire had no seal at all, and that all the other seals were marked W. and M. Order for Mr. Harris, the seal-cutter, to attend to-morrow.

A letter from Mr. Vernon was read, enclosing a paper as to the Leeward Islands, which was found to be the same anonymous letter as was read on 4th inst. (No. 275).

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Instructions to the Commander of the squadron to suppress the pirates in the East Indies, considered. Ordered that Sir Charles Hedges attend thereupon.

- March 10. Mr. Harris attended, and a representation as to the seals of the Colonies was ordered.

Colonel Gibsone attending presented a memorial (*No.* 286). He added that it would be sufficient if Ferryland and St. Johns were fortified, that Trepassée should be again possessed by the English, and that Carbonere Island could be made impregnable. On the Order of Council of 17th ult. (*No.* 239), Colonel Gibsone said that four officers and one hundred infantry, one master gunner and six gunners would be a sufficient garrison; that the Captain should be Commander-in-Chief, and that the pay of all ranks should be augmented by one half.

Sir Charles Hedges attending gave his opinion as to what constituted a pirate, and as to the mode of trying pirates.

- March 11. Mr. Gilbert Heathcote attended upon the private Act of Jamaica concerning Sir James Castillo, and promised to write an account of the objections thereto to Sir James and to Sir William Beeston. [*Board of Trade. Journal, 10. pp.* 450-456.]

- March 7. **281.** Minutes of Council of Virginia. Pursuant to instructions the Governor was sworn to observe the Act for regulating the plantation trade. Order for the prosecution of bonds of ships'-masters for which no certificates are forthcoming. Order for a day of thanksgiving for the success of the King's arms. Order for appliances to be sent to the assistance of H.M.S. Swift, lying stranded near Currahtuck.

- March 8. Orders for registering ships, pursuant to the new Act for the Plantation-trade. A committee appointed for the revision of the laws.

- March 9. Christopher Wormeley was sworn King's Collector of Rappahannock River. Order for payment of John Chyles for carrying an express to Maryland and New York.

- March 10. Colonel Edward Hill sworn Judge of Admiralty. Thomas Ward's petition for restitution of the sloop Content, seized by Joshua Broadbent but acquitted on trial, was referred to the Attorney-General; and upon his report restitution was ordered. On a petition for permission for the ship Flying Hart, captured from the French, to trade, the Council decided that the said ship must first be legally condemned. [*Board of Trade. Virginia, 53. pp.* 113-117.]

- March 8. **282.** Jahleel Brenton to Council of Trade and Plantations. I arrived here on 8 December and shortly afterwards delivered the letters which you entrusted to me for Rhode Island. The Governor, being a Quaker, refused to take the oath, which I was empowered to administer, concerning the Plantation trade. I enclose a report on the matter. I also took out commissions for Peleg Sanford as Judge of the Admiralty Court, and for Nathaniel Coddington as Registrar. I asked Mr. Clarke's assistance in the execution thereof, whereupon he detained them, as you will see in Mr. Sandford's letter. This Clarke was chosen Governor of the Colony in May, 1696, and in the following June refused to sign the Association

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prescribed by Act of Parliament, though it was generally signed in the Colony. If the King would commission persons in the Colony to examine and report on these matters and require Clarke to appear and answer for the same, it would deter others from the like practices in future; but if he be in no way called to account, loyal subjects will be discouraged. Further, I think it would be much for the King's service and for the good of the people of Rhode Island if the Governor were commanded to print all the laws that are now in force, for they are so meanly kept, and in such blotted and defaced books (having never yet been printed), that few of the people are able to know what they are. *Signed, Jahleel Brenton.*
P.S.—We have not heard of Lord Bellomont since we parted from him about 400 leagues west of the Land's End. $1\frac{1}{4}$ pp.
Endorsed, Recd. 15, Read 20 April, 1698. Enclosed,

282. i. Peleg Sanford to Council of Trade and Plantations. Newport, 30 January, 1697-8. On the 7th inst. I received from Mr. Brenton a commission as Judge of the Admiralty Court in Rhode Island. To enable me to fulfil it I went down to the General Assembly on the 12th and handed it to Walter Clarke, the Governor, then sitting in full Assembly, desiring him to publish it and to cause me to be sworn. Clarke answered that he would consider of it, and send the commission to the Lower House, but before the Lower House had read it he left the Upper House privately, and went to the Lower House, where he said that a commission had been received from Peleg Sanford, which was an infringement of the charter-right, that if they allowed of it he would take leave of them, and that then there would be no more choice or election according to the charter. The Lower House, however, returned the commission to Clarke without being prevailed on to do anything in opposition to it. Clarke therefore soon afterwards adjourned the Assembly, but detains my commission and positively refuses to restore it, and if he does restore it I believe that the persons now in the Government here will refuse to administer the oath to me. *Signed, Peleg Sanford. 1 p.*

282. ii. Peleg Sanford, Francis Brinley and Jahleel Brenton to the King. Newport, 31 January, 1697-8. Reporting the refusal of Governor Walter Clarke to take the oaths offered to him by the persons commissioned by the King. *Copy. 2 pp.* [*Board of Trade. Proprieties, 2. Nos. 14, 14 I., II.; and 25. pp. 201-205.*]

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 Cockpit.

283. William Popple to William Thornburgh. The Council of Trade expected that the Proprietors of Carolina would have sent copies of such laws of the Province as they have here, without waiting to send to America for them; and you are desired to move the Proprietors to send them copies with all convenient speed. [*Board of Trade. Proprieties, 25. p. 199.*]

March 8.

284. Minutes of Council of Maryland in Assembly. Several delegates appeared and were sworn, after which they were ordered

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to choose a Speaker, when they answered that they were as yet too few, and another writ of prorogation was issued to the 10th inst. [*Board of Trade. Maryland, 14. pp. 237-239.*]

March 9. **285.** Minutes of Council of Maryland. The Governor's intended speech to the Assembly was read and approved. Order for prosecution of certain persons at the Provincial Court. Order for enquiring as to the presents received by Colonel Herman from the Indians, and advised that a law be made to make such acceptance of presents illegal.

March 10. The proclamation of the articles of peace was delivered to the Judges of Vice-Admiralty and to the Clerk of the Provincial Court. Several persons formerly concerned with the Indians were summoned to give information respecting them for communication to the Assembly.

March 11. Several masters of ships asked for leave to enter at Annapolis and received it. [*Board of Trade. Maryland, 13. pp. 423-425.*]

March 10. **286.** Memorial of Colonel John Gibsone to Council of Trade and Plantations. I shall not trouble you with recounting the advantages of the Newfoundland trade nor the losses of the planters there nineteen months ago. The want of government was the reason of the last, and will be the ruin of the first unless prevented in time. Though it is not for me to meddle with the government, I venture to offer the following opinion. When I speak of government I mean not only the military but the civil and church government, for the one cannot stand without the other two. The military government should be in the hands of a good and experienced officer, not too much given to self-interest, for he will meet with great temptations, though a good salary may prevent that. His residence should be at St. John's, which lies in the very middle of the English Plantations and is already partly fortified. These fortifications should be completed, which cannot be done without assistance from England, for there is no lime or limestone in the country. Moreover all the stone that I saw in Newfoundland was so hard that it could not be shaped, and so was useless for fortification. Bricks should be brought from England, and this will cost little since so many ships go there yearly in ballast, which might each carry so much lime and stone. The plan that I gave you shows the fortifications of St. John's, but being hurriedly made they cannot stand long, being composed of earth, faggots and fascines, especially the two batteries at the harbour's mouth. They must be enlarged and faced with stone or brick or they cannot stand the great surge which beats against them with all easterly winds. The south battery should mount twenty instead of nine guns, and the north battery ten instead of five. There will be great difficulty in clearing away the rocks on both sides, but it can be done in time of peace, and I think the planters would willingly contribute towards it. King William's Fort should also be faced with stone or brick, and a house should be built therein for the Governor. It would be of great use to have Ferryland fortified and garrisoned. As to the numbers of these two garrisons I cannot be positive; but if the planters were not allowed to disperse themselves into so many harbours and creeks, but confined to Trepassy,

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Ferryland, St. John's, Carbonere, Trinity Harbour and Bonavista, the garrisons might be so much the less, for the planters would be numerous in those six places, and under a good Government could be made very useful for defence. This would not hinder them from dispersing during the fishing season; and indeed this is the method used by the French at present. Before the last ravage made by the French, the English were dispersed in at least forty several places, which was the occasion of their ruin. The guns of the batteries at the harbour's mouth should be thirty-six-pounders or at least twenty-four-pounders. In King William's Fort there should be nine-pounders or six-pounders. A thirteen-inch mortar in each of the harbour-batteries would be of great service. The position of gunners and ammunition I must leave to the Board of Ordnance. For Governor, I recommend Colonel Thomas Handasyd, whom I left there. He is a worthy, good man, of courage and conduct, who has served the King twenty-four years. *Signed, J. Gibsone. 1½ pp. Endorsed, Reed. Read 10 March, 1697-8. [Board of Trade. Newfoundland, 3. No. 95; and 48. pp. 178-181.]*

- March 10. **287.** Journal of House of Delegates of Maryland. Thomas Smithson elected Speaker, and approved by the Governor, who ordered a gown to be given to him and also a small mace. The Governor then delivered a speech, announcing first the restoration of peace, and then recommending to them the following matters, (1) the Church, (2) the Indians, (3) the Militia, (4) the School, (5) the alterations of winter County Courts and (6) a certain method of holding Assemblies. List of the members. Thomas Reynolds appointed serjeant-at-arms.
- March 11. The King's speech to both Houses of Parliament read. Committees of elections and privileges appointed. The door-keeper's salary raised. Report of the Committee of Elections on the election returns. Message to the Chancellor asking him to examine certain persons on oath respecting a disputed election, whereupon the Council returned their answer as to the result of the examination. Resolutions thereupon. Message from the Governor asking that Hugh Ryly and an Indian with him may be examined for information as to the Piscattaway Indians. His information was then taken and thought to be of little consequence. Message to the Council for an order to a sheriff to defer the execution of a warrant of resurvey until ten members of the House, who feel aggrieved thereby, can be spared to be present at the resurvey. Committee of Grievances appointed.
- March 12. Thomas Gray being brought before the house for arresting one of the members, excused himself by saying that he did not know that the arrested man was a member, and was dismissed. Message to the Governor, asking him that in future when he desires to confer with the Delegates he will summon them to the Council Chamber instead of coming down himself to their chamber. [*Board of Trade. Maryland, 15. pp. 205-213.*]
- March 10. **288.** Minutes of Council of Maryland in Assembly. The Delegates that had not been sworn were sworn. They then chose their Speaker, who was approved, and the Governor delivered his

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speech. He then again took the oaths to observe the Act to regulate abuses in the Plantation Trade. The Delegates' request for an order to stay execution of a warrant of survey was granted.

March 11. Message from the Delegates as to a disputed election received, and the question settled. The Governor produced the articles formulated by Gerard Slye to George Robotham and John Addison, who declared them malicious and foolish. Several letters and petitions sent down to be laid before the Delegates.

March 12. The Governor's instructions and Act of Parliament relating to Trade were read and sent to the Delegates, also copies of Gerard Slye's articles against him. Message from the Delegates as to the Governor's conferences with them received, and an answer sent that the Governor was well satisfied therewith. A message to the Governor concerning Indians was sent down to the Delegates. Bill proposed to revive the discontinued process of Cecil County Court. [*Board of Trade. Maryland, 14. pp. 239-248.*]

March 11. **289.** Receipt of a master of a ship for a packet addressed to the Governor of Maryland. *Signed, Wm. Lurting. Scrap. [Board of Trade. Maryland, 3. No. 46.]*

March 14. **290.** Governor Codrington to Council of Trade and Plantations. I enclose a deposition sworn by the person who was Governor under the former proprietor of New Tortola, and who surrendered the island to our forces which were sent against it by Sir William Stapleton. This Peter Balderick has remained here ever since he was taken at Tortola, preferring to live among the English than to return to the Dutch, and is a lusty healthy man of his age. This deposition will strengthen those which I formerly sent to you. *Signed, Chr. Codrington. ½ p. Endorsed, Reed. 3rd, Read 6th May, 1698. Enclosed,*

290. 1. Deposition of Peter Balderick, 9 March, 1697-8. That he was Governor of Tortola in 1672, and surrendered the island to Sir William Stapleton's expedition in that year. 1 p. [*Board of Trade. Leeward Islands, 5. Nos. 77, 771.; and (without enclosure) 45. pp. 197-198.*]

March 14. **291.** Governor Sir Edward Andros to Council of Trade and Virginia. Plantations. On the 9th of January I received yours of 27 October, with the proclamation of peace. I at once sent it to all parts of the Government and to Captain Pound of H.M. ship Dover (prize), the only man-of-war in this Government. It was solemnly published at Jamestown on the 15th of January, and a day of public thanksgiving has since been kept. On the 3rd inst. I received the King's commission appointing Commissioners to swear me to the due observance of the Acts of Trade and Plantations (*sic*), also the instructions of the Lords Justices and of the Treasury concerning the said Acts, and a Commission for appointing officers of the Admiralty Court in Virginia, Carolina and the Bahamas, and a letter from the Admiralty nominating the said officers. I am sensible of my omission in not sending you directly an account of public moneys and not signing nor writing my opinion of the Council's letter of 24 April; but I was then much indisposed in my health. I now send the Auditor's accounts for 1695 and 1696 to the

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24th April, 1697. None have been made up since, nor is it usual until after the time of shipping tobacco. The cause of the debt on the two shillings *per* hogshead and port duties was the charge for assisting New York and of keeping a sloop, as ordered, to prevent illegal trade, together with some extraordinaries on account of the war and the fact that shipping did not come in as in time of peace, but one London fleet coming in two years. For these causes the said revenue was not sufficient, though it has been, and I presume will be, for the constant support of government. The said debt is submitted to you for the King's favour out of the quit-rents (*sic*) having been incurred on extraordinary occasions for the King's service. I enclose accounts of the stores of war at Jamestown and at Tindall's Point, York River, there being no other stores nor fit places to keep any except at Jamestown. The powder formerly sent was distributed to the militia-officers of the several counties. As to the quota for New York, though I at first represented the different circumstances of this country for it, I was always ready and did my duty therein as commanded. I have used my endeavours for the revisal of the laws both with the Council and Assembly and encouraged any that would contribute thereto. They were reduced by a principal member of the Assembly under proper heads, which being brought before the Assembly they were impatient of any further trouble therein, but voted the several paragraphs into so many laws. But the Assembly not agreeing with the Council in matters recommended for the King's service (though the Council acquiesced in several things in hopes thereof) was dissolved. The revisal not having been effected since, I have now again acquainted the Council with your orders, and some of their number are appointed to proceed therein and report to the Board. On receipt of your letter I directed copies of all laws to be prepared as soon as possible, and they will be transmitted by the first good opportunity. The appointed Commissioners swore me on the 7th inst. to due observance of the Acts of Trade and Plantations, and I have sent reiterate orders to the Naval officers, on the receipt of those from the Lords Justices and the Treasury, for their utmost care therein. I have, as ordered, commissioned Edward Hill to be Judge of Admiralty in Virginia and Carolina, and Miles Cary to be Registrar. I have sent for Miles Sherman to be Marshal and await the arrival of Edward Chilton to appoint him Advocate. All is very well and quiet here. *Signed*, E. Andros. 2 $\frac{1}{2}$ pp. *Endorsed*, Recd. Read 23 May, 1698. [*Board of Trade*. Virginia, 6. No. 39; and 37. pp. 202-206.]

March 14. 292. List of the papers enclosed with the preceding letter. Accounts of the revenue of the two shillings *per* hogshead duty, etc., ending 10 June, 1696, and 24 April, 1697. Accounts of the quit-rents for 1695 and 1696. Accounts of stores in the magazines. $\frac{1}{2}$ p. [*Board of Trade*. Virginia, 6. No. 40; and 37. p. 207.]

March 14. 293. Journal of Council of Trade and Plantations. Order for Captain Norris to attend next Wednesday on the business of Newfoundland.

Draft representation as to the instructions for the commander of the squadron designed against pirates, considered.

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- March 16. Mr. Crowne presented a memorial upon his claim to Penobscot (No. 299).

Lord Orford's memorial as to councillors in Barbados read (No. 298). Agreed that the question be considered as soon as the numbers of that Council fall below twelve. Mr. Bridges presented a letter from the President and Council of Barbados, also copy of the Act as to white servants, of which he said that he had dispersed several copies about England, though it was only temporary. He also proposed two new members for the Council of the island.

Captain Norris attended and gave information as to the defence of Newfoundland, and was ordered to attend again to-morrow with a memorial on the subject.

- March 17. Lord Bellomont's letters of 8 January read (Nos. 158, 159).

Captain Norris presented a memorial as to Newfoundland (No. 301), and the heads of a representation thereupon were agreed to.

- March 18. Colonel Gibsone attending said that fifty men might be a sufficient garrison for Newfoundland in time of peace; that they should not be allowed to fish but should have their pay increased to tenpence a day; and that twelve months' provisions and money to pay the men that are ready to settle there should be sent out. He added that all the planters were desirous to have a Governor and would contribute to the maintenance of one. He was ordered to draw up a memorial of these things.

Representations signed as to the instructions for the Commander of the squadron against pirates and as to seals (Nos. 304, 305). [*Board of Trade. Journal, 10. pp. 458-466.*]

- March 14. **294.** Journal of House of Delegates of Maryland. Order for two journals to be kept, and for an Assistant-Clerk to be employed. The Clerk sworn to give in his journals to the Secretary's office and not to divulge the secrets of the House. Order for bills to revive the process of Cecil County Court and to alter the winter County Courts. Message to the Council respecting ferries. Message from the Council for the House to attend the Governor.

- March 15. Debate on the Piscataway Indians. Carried unanimously that it is unnecessary to make war upon them. Message from the Council, asking for Delegates to attend the swearing of the Naval Officers to their accounts, and asking the House's opinion as to the expediency of prohibiting export of corn and provisions. Message to the Council asking for a joint committee to look to relations with the neighbour Indians and to the security of the frontier. Six Delegates were sent to the swearing in of the Naval Officers, and to report the House's resolution that the prohibition to export corn and provisions would be inconvenient.

- March 16. Message from the Council appointing members for a joint committee on Indian affairs. The Delegates for the same committee appointed. Committee of Laws appointed. Adjourned to meet at 7 a.m. to-morrow at the Speaker's Chamber, owing to his indisposition.

- March 17. Report of the Committee of Grievances. Orders given for preparation of bills thereupon, and for George Plater, William Dent, and Robert Goldsborough to be brought up in custody to answer their conduct in justifying the dismissal of several attorneys

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from practice by Order in Council. Mr. Dent on attending declared that he had given his opinion on the point faithfully and honestly. Order for them to attend again in the afternoon, and in the meantime for the case of James Cranford, attorney, to be examined by two members, who, however, reported that the Clerk of the Council had no papers on the subject. Message from the Governor ordering the Delegates to attend him or offering to come down to the Speaker's Chamber if the Speaker were too ill to come up. Message in answer, asking him to come down to the Speaker's Chamber. House adjourned for an hour. Message to the Council asking for copies of the King's lawyers' opinion in relation to the attorneys.

March 18. Message from the Council with copies of the opinions asked for by the House, which being read, the King's lawyers were ordered again to attend the House. The Committee for Indian affairs presented a report proposing that a message should at once be sent, by an Indian messenger, to the Piscattaway Indians, and that the rangers in Baltimore County be dismissed, the Indians generally being quiet. Report approved. Message to the Council, asking for the joint committee on Indian affairs to meet again and decide some unsettled questions. The King's lawyers attending declared that they adhered to their opinions as to the attorneys, but were prepared to change their opinion on better arguments; whereupon they were directed to attend the House to-morrow, bringing the authorities for their opinion. In answer to proposals from the Council the House declared that the Indians at the head of the Potomac do not live within the bounds of the province, and appointed members for a joint committee to view the State-house and the materials for the church and school, and to inspect the accounts of the latter.

March 19. Bills to restrain the extortion of sheriffs and others, to revive the process of Cecil County Court, and for appointing court-days in each county read a first time. The King's lawyers attending were asked whether they would retract their opinions as contrary to law, whereupon they said that, though liable to err, they adhered to them, and produced several authorities which are conceived to be rather against than for them. Resolved that the said opinion is dangerous, tending to deprive people of their liberty without trial and to exasperate the Governor against the justices for protecting people in their rights. Address to the Governor, embodying this resolution, and asking him to consent that the King's lawyers pay each ten shillings to the Serjeant-at-arms and burn their papers, as a mark of his displeasure, and to receive James Cranford into his favour. Report of the Committee on Indian affairs, when it appeared that the members were equally divided on the question of keeping the rangers at the head of Potomac, and the House referred it to the Governor's discretion to station the said rangers where they could be of most use in case of alarm or to call them in altogether. Address to the Governor accordingly. [*Board of Trade. Maryland, 15. pp. 213-229.*]

March 14. 295. Minutes of Council of Maryland in Assembly. Message from the Delegates as to ferries. The Governor summoned the

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House and recommending them to attend to Indian affairs instead of private business, laid several papers respecting Indian matters before them, at the same time adding that he had sent in to a message, couched in the usual terms, a reply which shewed his anxiety to come to a good understanding.

- March 15. Resolved to propose to the Delegates how the arms now coming shall be disposed of, and that a dispute about certain furs brought from Pennsylvania be decided this Assembly. Messages to the Delegates about swearing the Naval Officers to their accounts, as to whether the Susquehannah Indians are within the province, as to a joint committee to view the public buildings, and recommending the regulations of ordinaries, the better securing of ships' letters and the care of orphans. The Naval Officers sworn to their accounts. Joint committee for Indian affairs appointed. Sundry further recommendations sent to the Delegates.
- March 16. Letters from the Archbishop of Canterbury about free schools, and one from the Council of Trade of 17 November, 1697, were read, and certain paragraphs ordered to be laid before the Delegates.
- March 17. The Governor brought before the Council the ill consequences of the reports of Lord Baltimore's restoration. He also took notice of a message from the Delegates asking for certain Council papers, which he conceived to be an improper thing without his privity and consent, and had ordered the messengers to return that answer. After exchange of messages the Council proceeded to the Speaker's Chamber, where he informed them that there were letters from England to be laid before them, and recommended to their consideration the unrest caused by reports of Lord Baltimore's restoration, a letter from Dr. Bray on Church affairs, and some clauses in a letter from the Bishop of London. Finally he spoke of their manner in asking for Council papers, which he supposed was a mistake, and added that if they had any dispute about the Royal prerogative they had better refer it to the Council of Trade and Plantations. Order for copies of the King's lawyers' opinions to be sent, in compliance with a message from the Delegates. A law proposed against enticing people from the province, and the Delegates' help requested in ranking the Provincial Justices.
- March 18. Petitions referred to the Delegates. Messages from the Delegates as the joint committee on Indian affairs, and a joint committee to view the public buildings, complied with. Laws proposed for trial of disputes between masters and servants, and for restraining the refractoriness of seamen.
- March 19. The Delegates' address as to the opinion of the King's lawyers received. [*Board of Trade. Maryland, 14. pp. 248-263.*]
- March 14. **296.** Minutes of Council of Maryland. Proceedings upon a warrant and bond for the appearance of John Russell for harbouring runaway seamen.
- March 15. Order for the prosecution of a ship's master for making a false clearing. The Naval Officers sworn to their lists of shipping. George Plater presented the accounts of the King's revenues received in his districts. Two letters of Gerard Slye were read, and ordered to be given to the law-officers for his prosecution; ordered also that one of them be laid before the Assembly.

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- March 16. James Cranford was restored to his practice as an attorney.
- March 17. Accounts and shipping lists were given in and sworn to. A deposition of Thomas Robinson respecting privateers in Pennsylvania was sworn to by him. Thomas Robinson then brought forward certain expenses to which he had been subjected as Lord Romney's prize agent; and part of the fees charged to him were remitted. Complaint being made by the Rev. Richard Tubman that the Popish priests have perverted several persons during the late sickness, the matter was referred to the law-officers for their advice. Several proposals as to the building of the church and school at Annapolis agreed to.
- March 18. A complaint of several seamen against their captain of withholding their wages was heard and dismissed.
- March 19. William Alderne and William Dent were sworn as a Deputy-Collector and Naval Officer. [*Board of Trade*. Maryland, 13. pp. 425-432.]
- March 15. **297.** Edmund Jenings to Council of Trade and Plantations. Virginia. Sir Edmund Andros being much indisposed has ordered me to transmit to you an Act for a public levy, the Orders of Council, and the Journals of the last General Assembly. *Signed*, E. Jenings. $\frac{1}{2}$ p. *Endorsed*, Recd. 2 Aug., 1698. Duplicate of the above, addressed to the Duke of Shrewsbury. *Endorsed*, Recd. Read Aug. 5, 1698. [*Board of Trade*. Virginia, 6. Nos. 41, 42; and (memorandum of documents received) 37. p. 250.]
- March 16. **298.** Memorial in the name of the Earl of Orford, recommending the appointment of John Meade to the Council of Barbados in place of Burch Heathersall, deceased. *Scrap*. *Endorsed*, Recd. Read 16 March, 1697-8. [*Board of Trade*. Barbados, 7. No. 62.]
- [Mar. 16.] **299.** Petition of John Crowne to Council of Trade and Plantations. I am rightful proprietor of Penobscot from the river Machias on the east to the river Musconcus on the west. The said lands were purchased by my father, who held them until 1668, when they were given up by Sir Thomas Temple to the French, for his own sinister ends and without the King's authority. I beg that, in view of the settlement of boundaries in America by Commissioners of England and France, my claim to these lands may be heard. 1 p. *Endorsed*, Recd. Read 16 March, 1697-8. [*Board of Trade*. New England, 9. No. 11.]
- March 17. **300.** Receipt of the master of a ship for a packet of letters directed to Sir Edmund Andros in Virginia. *Signed*, Joshua Cooke. *Scrap*. [*Board of Trade*. Virginia, 6. No. 43.]
- March 17. **301.** Captain John Norris, R.N., to Council of Trade and Plantations. I think that the fishery of Newfoundland cannot be better than under its old constitution. If you wish to make part of the country defensible in case of war, I think St. John's harbour the most advantageous place by nature. The country is so woody and mountainous that an enemy can't easily march to it and cannot possibly bring cannon by land to the place; hence the redoubt built by Colonel Gibsone may be sufficient defence against such attacks.

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As to the sea, the narrow entrance to the harbour and the great height of the land on both sides create such eddy-winds and calms that an attack would be very difficult, especially if you approve of a boom and chain being fixed across the harbour's mouth. On the north side, at a place called One-o'clock, is a convenient place and distance from the boom for a battery of from fourteen to eighteen guns. Right against it on the south side is another place for three or four guns. These two places, in addition to what is already, would, I believe, make the harbour defensible. I think that if planks and materials were sent there at the time of the convoy's going, the labour of their ships-companies might complete the work this year. The battery on the north side should have a place to put powder in. To man these batteries I think that the inhabitants would suffice, but for the care of the guns and stores there should be gunners and store-keepers; but that power should have no influence over the inhabitants for fear of prejudicing the trade; and to prevent any abuses by mismanagement the convoy for the year, together with the Admiral and Vice-Admiral of the port, should examine all the stores to check embezzlement. I would suggest whether, against the outbreak of war, it would not be proper to have dormant commissions among the inhabitants to summon the people for the defence of St. John's until the King send what may be proper, allowing them pay while the service lasts. This power should in my opinion be subordinate to the Admiral of the port, if one be there, because the masters of the merchant-ships may probably have seen more service than any of the planters, and the planters in general are a kind of servants to the merchant-men. To fix the boom there must be an iron bridle to go over the rock on the north side, and a crab or capstan on the south side to heave the boom across. *Signed, Jno. Norris. 2½ pp. Endorsed, Recd. Read 17 March, 1697-8. [Board of Trade. Newfoundland, 3. No. 96; and 25. pp. 182-184.]*

March 17. **302.** Mr. Clement to William Popple. The letters committed to me for conveyance to Lord Bellomont have been duly delivered, three to go to Boston by Captain Updike, who intends to sail next week, and three for New York by Captain Jeffries, who sails in about a fortnight. *Signed, S. Clement. ½ p. Endorsed, 18 March, 1698. [Board of Trade. New England, 9. No. 12.]*

March 18. **303.** Memorial of Benjamin Way. On 13 December last London. Mr. Samuel Lewis, Commissary-General and Judge Advocate of Jamaica, was in an inhuman and barbarous way stabbed by Mr. Peter Beckford, junior, whereof Lewis immediately died, his sword not being drawn out of the scabbard. I therefore, his son-in-law, beg that when the case comes before the Council of Trade I may be admitted to produce proofs of the barbarity of the act, Beckford having since fled from Jamaica, to Petit Guavos, as is supposed. *Signed, Benj. Way. ½ p. Endorsed, Recd. Read 23 March, 1697-8. [Board of Trade. Jamaica, 8. No. 86; and 56. p. 183.]*

March 18. **304.** Council of Trade and Plantations to Mr. Secretary Cockpit. Vernon. Forwarding a representation as to pirates in the East

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Indies, pursuant to his letter of 28 February (No. 267). *Signed*, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Abr. Hill: *Annexed*,

Council of Trade and Plantations to the King. 18 March, 1698. Having advised with the East India Company respecting your commands conveyed to us on 28th ult., they have laid before us the following proposals for the voyage of the squadron (*see* No. 279). With these proposals we think it would be well to comply unless the Admiralty have any objections. We think that the Commander-in-Chief after arrival at Madagascar should be at liberty to divide his squadron or keep it together as he thinks fit, and to send home one or more of his ships at any time. In spite of the East India Company's objection to particular pardons we think that if great caution be used and they be granted only to such persons as do eminent service by giving up some port or ship, or to some large numbers of pirates who surrender within a limited time, then the Commander of the squadron may have power to grant them pardon. As to the disposal of such surrendered pirates, the East India Company think that it would be of ill consequence to leave them anywhere in the East Indies, and we think that it would be inadvisable to send them to the American Colonies, where they had their first rise, since it would give them opportunity to go back to their evil practices and tempt others to join them. We think therefore that the Commander-in-Chief had better be directed to bring them to England to be tried, unless he see cause to leave some of them in the East Indies, under proper regulation, until your further pleasure be known. We agree with the East India Company in the expediency of issuing a proclamation prohibiting all your subjects from assisting, corresponding or trading with pirates. But above all we think that the most effectual means of preventing piracy will be to pass an Act of Parliament here for the speedy trial of pirates in any part of your dominions, wherever proofs may most easily be found for their conviction and execution. *Signed*, J. Bridgewater, Wm. Blathwayt, Ph. Meadows, John Pollexfen, Abr. Hill. [*Board of Trade*. Plantations General, 34. pp. 253-260.]

March 18.
Cockpit.

305. Council of Trade and Plantations to the King. Recommending that he direct seals to be prepared and sent to Bermuda, New Hampshire and Virginia, no public seals having been sent there since his accession. *Signed*, J. Bridgewater, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Abr. Hill. [*Board of Trade*. Plantations General, 34. pp. 260-261.]

March 19.
Exon.

306. John Pym to Simon Cole. I have been informed of your reflections as to the regulations of the Newfoundland trade so as to make it subservient to England's navigation. Now that Commissioners of Trade are appointed, it were a great pity that they should not consider so great an article in the balance of trade. We raise all cargoes (excepting salt) from our own produce and labour, and bring home the commodities of Spain, Portugal and Italy, with bullion. But I need not dwell on the advantages of the trade to you. Two things are at present very prejudicial to it. (1) The carrying over of passengers who take up all the choice of the men,

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paying only £3 or £4 for their passage, and take up all the choice places, whereas the merchant, who is at vast charge for outsetting, is obliged to carry one-third landmen. By this substitution of passengers the natural advantage of providing one of the best seminaries for seamen is very much prejudiced. This has been frequently complained of, and this may be a fit time to redress it. This would tend very much to the increase of shipping and seamen, as would also the obliging ships to keep boats proportionable to their burthen, as ten boats to a hundred tons. This was proposed upon a regulation formerly. (2)^o Allowing unfree ships to come and fish there is a present evil to the trade and like to cripple it unless timely prevented. I am credibly informed that many ships from Portugal and Spain are going this year and catch up our seamen abroad to desert our ships in their ports and man theirs. I suffered from this in this year at Oporto, whence four Portuguese ships are going or gone to Newfoundland. This will carry away instead of increasing our seamen, and lose us the benefit of the trade. It has always been the object of the Government to prevent this, and men-of-war were sent there for the purpose; indeed all unfree ships were formerly liable to seizure by any that had a commission. If I could be of any service by procuring an address to the Council of Trade on the subject, or signatures to an address drawn by you, I will gladly do so. *Signed*, Jno. Pym. 1 p. *Endorsed*, Recd. Read 31 March, 1697-8. [*Board of Trade*. Newfoundland, 3 No. 97; and (from ^o to end) 25. p. 189.]

March 21.
Cockpit.

307. Council of Trade and Plantations to Governor the Earl of Bellomont. Calling his attention to the harbouring of pirates in the Colonies, and forwarding copy of the Jamaica Act against pirates as a model. You will pass some such Act in New Hampshire as well as in Massachusetts, as previously ordered, and we think that the Acts existing for the purpose in New York and Massachusetts are not so effectual as they ought to be. We have received yours from Barbados of 8 January. We hope that the close of your voyage will be more fortunate, and await your report as to the Eastern Indians. *Signed*, J. Bridgewater, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen, Abr. Hill. [*Board of Trade*. New York, 52. pp. 306-309.]

March 21.
Cockpit.

308. Council of Trade and Plantations to Governor Codrington. The King has given orders that the Acts made for increasing the number of white men in the Colonies should be strictly executed, and that they shall, if possible, be amended if defective. We forward also the Jamaica Act against pirates that it may be adopted if necessary in the Leeward Islands, and you will take care that the laws against pirates be strictly executed. *Signed*, J. Bridgewater, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Abr. Hill. [*Board of Trade*. Leeward Islands, 45. pp. 171-173.]

March 21.
Cockpit.

309. Circular. Council of Trade and Plantations to the Governors. Great complaints have reached us lately from the East Indies and other quarters of the mischief wrought by pirates, and of the encouragement which they have received in several of the

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Colonies in America, both in their fitting out from thence and their return thereto as a safe receptacle. The King has therefore directed copies of a Jamaica Act for restraining and punishing of pirates to be sent to all his Governors in America, and he requires all those Governors to use their utmost endeavours with their Assemblies for the passing of a similar Act, and to enforce the same vigilantly when passed. A copy of the Act is enclosed to you, and you will report to us your proceedings thereon. *Signed*, J. Bridgewater, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Abr. Hill. [*Board of Trade*. Virginia, 37. pp. 200-202. Maryland, 9. pp. 177-178.]

March 21. **310.** Council of Trade and Plantations to William Penn, the Proprietors of the Bahamas and Carolina and the Governments of Connecticut and Rhode Island. Urging the passing of Acts for the suppression of pirates and forwarding the Jamaica Act as a model. [*Board of Trade*. Proprieties, 25. pp. 200-201.]

March 21. **311.** Council of Trade and Plantations to the President and Council of Barbados. Directing that the laws enacted for increasing the number of white men in the Island be strictly enforced, and amended if they be defective. Also forwarding copies of the Jamaica Act against pirates, with recommendations to procure its enactment. *Signed*, J. Bridgewater, Ph. Meadows, William Blathwayt, John Pollexfen, Abr. Hill. *Postscript*.—We have just received yours of 12 January, to which we need only answer at present that we shall recommend the punctual payment of the bills mentioned by you, if there be occasion. [*Board of Trade*. Barbados, 44. pp. 143-145.]

March 21. **312.** Council of Trade and Plantations to Governor Sir William Beeston. The same letter as the above without the postscript. [*Board of Trade*. Jamaica, 56. pp. 181-183.]

March 21. **313.** Journal of Council of Trade and Plantations. Circulars as to white servants and laws against pirates signed.

Letter of 12 January from the President and Council of Barbados read, and a postscript added to the circular of this day's date, in reply.

Agreed to defer the representation upon Mr. Day's memorial.
Business of Newfoundland further considered.

March 23. Mr. Way's memorial of the 18th inst. read (*No* 303).
Letter of 15th January from the Assembly of Nevis read, and consideration thereof deferred.

March 24. Mr. George Shuttleworth attended to represent that he was the person who last summer carried a letter from Conception Bay to St. John's, Newfoundland, with information of Mons. Pointis being there. He was told that his petition, being addressed to the King, ought to pass through the hands of a Secretary of State. [*Board of Trade*. Journal, 11. pp. 1-6.]

March 21. **314.** Minutes of Council of Massachusetts. Nathaniel Byfield produced a commission as Judge of Admiralty and asked to be sworn, but it was ordered that he be not sworn till Lord Bellomont arrive. Joseph Grant obtained leave to erect a timber-shed in Boston. Order for payment of £6 to Colonel Elisha Hutchinson for expenses of his journey when setting out to pursue the Indians

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- March 22. Resolved to send an address to the King setting forth the inconvenience of his late order granting the right of appeal to Customs officers. [*Board of Trade*. New England, 49. pp. 144-146.]
- March 21. **315.** Minutes of Council of Maryland. Order for the prosecution of John Coode's sureties. The Governor was urged to signify to the Council of Trade the lack of members of Council, owing to the recent death of two of them. A petition and report respecting a seized sloop were referred to the law officers.
- March 22. The complaint of a ship's master, that he had been required to make a second entry when he thought one sufficient, was heard; and it was resolved that the proceedings against him be cancelled and his ship restored to him. Order for cancelling all former proclamations encouraging the export of provisions to Newfoundland. [*Board of Trade*. Maryland, 13. pp. 432-435.]
- March 21. **316.** Journal of House of Delegates of Maryland. Bills to restrain extortions of sheriffs, to appoint County Court days, to revive Cecil County Court's process, read a second time and sent to Council. Bills for stay of executions and for better ordering of St. Paul's and Shrewsbury parishes read a first time and committed. On a letter to the Governor reporting the endeavours of Popish priests to make proselytes, an address was sent asking the Governor to issue a proclamation to restrain them. On a proposal of the Governor to ascertain the method of holding Assemblies, it was resolved to continue in the present form, and as experience is gained to draw nearer to the practice of Parliament. Further report of the Committee of Grievances and orders thereupon. Message from the Governor summoning the House to attend him. Answer of the Delegates, asking to be excused owing to the illness of the Speaker for a day or two, and representing that only one point in the matter of Indian affairs remains undecided.
- March 22. Message from the Governor consenting to postpone the Conference, but reminding the Delegates that there were many other things besides Indian affairs before them. Message from the Council asking for a joint committee to prepare a new Militia Bill. Answer of the Delegates, that they have resolved that the old Militia Act should remain unaltered. Bills empowering the county justices to levy money for the charges of other counties, and the bill as to St. Paul's and Shrewsbury parishes were read twice and sent to Council, together with the bill for stay of executions. The Delegates rejected the Council's proposal for a bill to decide disputes between masters and servants, but referred another proposal to the Committee of Laws. The Council's proposals for laws to restrain seamen, for regulation of ordinaries, for securing letters and for care of orphans were also rejected as unnecessary.
- March 23. The proposals of the Council as to storage of records and prisons were considered and rejected. Proposals to cut down the trees left in the middle of the roads rejected. Agreed that it would be well to issue a proclamation that Protestant servants of Popish masters shall have liberty to go to church. Proposal for a law to declare that the province has paid all debts and claims, in order to bar fictitious claims, rejected. Bill for rectifying the ill-practices of

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attorneys read a first time. Address to the Governor as to repeal of certain laws, approved. Bill to secure the parochial libraries read a first time. Bills to revise process of Cecil County Court, to restrain extortions of sheriffs, for stay of executions, to enable county justices to levy rates for county charges, and to divide St. Paul's and Shrewsbury parishes, read a third time and sent to Council. Journal of Committee of Accounts read, and a bill ordered to be drawn thereupon.

March 24. Bill as to attorneys read a second time. Report of the committee on the church and free schools read. Message from the Council in answer to the Delegates' message about the Indians, that the House shall never have reason to say that he wishes to put the country to unnecessary expense. Message from the Council that Mr. Mason should be called upon to produce his accounts. Answer of the Delegates, that the House is satisfied with the returns that he has made already. Conferers sent up to the Council on the business of settling the Collectors. Message from the Council. As to the Delegates' message respecting the King's lawyers, the Governor has no wish to shelter them from justice if they have done wrong, but he thinks that to fine them without any known law would be a dangerous precedent. He brings to the notice of the House a more real grievance, viz., the levying of tobacco by County Justices contrary to law. As to James Cranford, he has been restored to practice in honour of the peace, but if the Delegates are not satisfied that it is the King's prerogative to suspend attorneys they may lay the case before the Council of Trade. The Council desires to know whether the Delegates were unanimous in that address as they seem to set forth. *Message ends.* Message from the Council suggesting an amendment to the bill to appoint Court days. Resolved to instruct the Conferers not to accept it. Message to the Council. In reply to your message concerning the King's lawyers, you seem to reflect that we are partial in representing this grievance, though you know that we have introduced a bill to remedy it. We have as great a respect for the Royal prerogative as you, and we expected from you a more satisfactory answer. We shall therefore leave the vote upon our Journals to assert our liberties. Your question as to our unanimity in the Address is so unparliamentary that we must decline to answer it. Further address to the Governor. We think the matter of the Piscattaway Indians so inconsiderable that we do not much regard whether they come in or stay out. We leave it to your judgement whether you write to Sir Edmund Andros, but we think it not expedient to prohibit these Indians from going to and fro in this province, so long as they conduct themselves peaceably. As a means to induce them to come in, we suggest that the rangers at frontier of Potomac may be called in, or that they may be so stationed as to strengthen the frontier posts. *Address ends.* Motion made for a committee to examine Gerard Slye's articles against the Governor.

March 25. Address to the Governor. We beg to represent that the justices and vestrymen of several counties have been arrested and brought to Annapolis as grievous offenders, for very small faults. The Provincial Court sitting in view strikes attorneys, jurors and

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suitors with an awful fear which is a restraint on liberty. *Address ends.* Charles Carroll, of Lord Baltimore's land office, and Sir Thomas Laurence's clerk appeared, pursuant to summons, but their dispute was referred to next Assembly. Bill to define the boundaries between Anne Arundel and Baltimore Counties, and Eliza Norman's private bill were read a first and second time.

- March 26. Journal of Committee of Accounts read. The Council's proposals on several matters debated, and resolutions passed, among others, to evade the Council's request to peruse the Journal of the Committee of Grievances, to give orders respecting presenting the King with certain wild birds, etc., to decline to have the laws put into after language or amended by lawyers, and to refuse to appoint an Agent for the Colony in England. Resolved to address the King on the happy conclusion of peace and to write a letter of thanks to the Archbishop of Canterbury. Message from the Governor. Mr. Mason has been several times ordered to bring his accounts in, and the Council looking upon his failure to do so thinks him unfit for his station of Treasurer. Naval Officers who in like manner fail of their duty will also be displaced. Second message from the Governor, saying that the Council for the present postpones its answer as to Indian affairs till it has received the report of the Committee. Resolved thereupon to send that report to the Council. Third message from the Governor. The address as to grievances cannot be answered until the Journal of the Committee of Grievances is sent up, and several other proposals answered. Answers of the Delegates, that they decline to send the Journal as requested. They are also satisfied with Mr. Mason's integrity and cannot consent to his being displaced. Resolved that the Secretary and Chancellor shall be allowed 150*lbs.* of tobacco a day during their attendance on the Council in Assembly, but shall receive no other salary. Philip Lynes's claim for entertaining several persons summoned to attend Governor Copley in 1692, rejected. Other petitions considered. [*Board of Trade.* Maryland, 15. pp. 229-252.]
- March 21. **317.** Minutes of Council of Maryland in Assembly. The Governor summoned the Delegates to attend on the business of the Indians; but the house had adjourned. Three bills received from the Delegates, also addresses respecting the Rangers, the ill-practices of Popish priests, and the necessity for postponing a conference owing to the Speaker's illness. Remarked that this postponement is an unparliamentary proceeding. Report of the Indian Committee read. Bill for restraining extortions of sheriffs read and additional clauses proposed. Bill for reviving Cecil County Court's process read and amendments proposed.
- March 22. Message to the Delegates desiring a joint committee on the Militia Bill, and their reply (*see preceding abstract*). Order for restoration of a ship seized in Patuxent river. Bill for stay of executions read a second time; bills for dividing St. Paul's and Shrewsbury parishes and for enabling County Justices to levy money, read a first time.
- March 23. Mr. Mason's letter and accounts considered. Resolved that if he cannot discharge his duties, another Treasurer should be appointed. Accounts sworn to. The bills as to St. Paul's and Shrewsbury

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parishes, to empower County Justices to levy money, to revive Cecil County Court's process, to restrain extortions of sheriffs and to stay executions, passed their second reading. Bill as to parochial libraries read a first time. Conference desired with the Delegates about settling Courts. The resolutions of the Delegates upon several proposals were read (*see preceding abstract*) and the following remarks made thereupon. Servants have no redress against their masters by way of petition. A conference is desired on the questions of ordinary-keepers, securing letters and the Militia Bill. The Council further asked for the Journal of the Committee of Grievances, and for answers as to the question of appointing an Agent in England and for employing an able lawyer in England to improve the wording of the laws. The Council's answer to the Delegates' address concerning the King's lawyers (*see preceding abstract*). Proposals to the Delegates that the Governor of New York be informed as to the wandering Indians at the head of Potomac, and that some way be settled for the distribution of the expected arms and ammunition. Order for the contract for building the church and school to be laid before the Delegates. Address to the Governor from the Delegates as to redress of grievances read. Heads of the matters to be discussed at the Conference with the Indians. Message to the Delegates concerning their address about the Indians.

March 24.

Several messages sent down to the Delegates. Bill respecting Attorneys received from the Delegates and a conference desired thereon. Conferences as to settling Courts; wherein the two houses could not agree. Conference of both houses on the business of the Indians. The Speaker hoped that if the Piscattaways did not come in, the Governor would not therefore make war on them; to which the Governor replied that if they did not come in he could not consider them otherwise than as enemies. Message from the Delegates summoning Sir Thomas Laurence to appear before them, on which the Delegates were informed that he could not obey such summons without the Governor's leave. It was remarked that the practice of clerks keeping county records at their own houses was inconvenient and dangerous, and that County Courts ought not to be kept as ordinaries. Resolved that it is a matter of absolute necessity to publish a proclamation that the country has satisfied all public claims. Letter from Sir Thomas Laurence enclosing a letter written by him to the Speaker, in which he says that he does not recognise the Delegates' authority to summon a Councillor to them without the Governor's leave, but that he sends his clerk to give the information required.

March 25.

Addresses from the Delegates concerning the Piscattaway Indians and Mr. Mason, and as to the Governor's reply to their address concerning the King's lawyers. Message from the Governor proposing to displace Mason. Bill for dividing Anne Arundel and Baltimore Counties received and read a first time. Eliza Norman's private bill received; resolved not to pass it without perusal of all the documents relating to it. Message from the Delegates declining to consider a Militia Bill, and an address as to the arrest of justices and others. Message to the Delegates disclaiming all responsibility for evil consequences that may result from not passing the Militia Bill.

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- March 26. Conferrers appointed for the business about ordinary-keepers and securing letters. Agreed that inns should be kept at all ports and Court-houses and on the roads, and the inns on the roads, for their encouragement, shall pay a reduced licence. Agreed that the Governor issue a proclamation forbidding any persons to receive letters from masters of ships without giving a receipt for them and undertaking under penalties to deliver them. Report of the Committee on Indian affairs read and approved. Messages from the Delegates disapproving the dismissal of Mason, refusing to send the journal of grievances, declining to alter the procedure of Assembly, and asking for a fresh account of the arms, that now before them being unsatisfactory. Messages from the Governor requiring categorical answers from the Delegates to the report of the Committee on Indian affairs; and maintaining the right of the Council to peruse the Journal of the Committee of Grievances. [*Board of Trade*. Maryland, 14. pp. 263-293.]
- March 22. **318.** Minutes of Council of Barbados. Orders for sundry payments on account of salaries and disbursements for military service. Mr. Talbot Edwards produced a letter from the Board of Ordnance, expressing their desire that all possible assistance should be given to him towards despatching his survey of the Island. Mr. Heberlands was summoned and asked why the survey had not been finished, he having received all assistance that he desired ever since October last. He answered that his survey of the Island and bays would be complete in four weeks. [*Board of Trade*. Barbados, 65. pp. 343-345.]
- March 23. **319.** Minutes of Council of Jamaica. Thomas Finch presented a deputation from the surviving patentee of the Receiver-General's office. Order for a full Council on the 29th to consider the matter. Order for distribution of £100 of the King's bounty, and for £50 more to be paid to Colonel Stanton from the same. Orders for sundry payments, including one for reimbursement of two Englishmen who had transported themselves to Jamaica. Order for the Naval Officers and others concerned in the Customs to attend next Council to give the security and take the oath appointed by the Act of Parliament. [*Board of Trade*. Jamaica, 79. pp. 80-82.]
- March 24. **320.** Minutes of Council of Nevis. Order for issue of writs for the election of an Assembly. Two grants of land were passed. [*Board of Trade*. Leeward Islands, 64. pp. 464-465.]
- March 24. **321.** Minutes of Council and Assembly of Antigua. On this day, as on the 10th inst., the Assembly adjourned for want of a full Council. [*Board of Trade*. Leeward Islands, 64. p. 251.]
- March 24. **322.** Minutes of Council of Maryland. Peter Jenings laid some difficulties in his instructions before the Council, who resolved that at present one of his instructions could not be complied with. He then presented and swore to his accounts; after which it was agreed to recommend to the Governor that particular ports for loading and unloading should be appointed, which would end the difficulty. Order for a new Commission of the peace to be issued for Cecil County. Order as to bonds to be given and oaths to be taken by Naval Officers.

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March 26. Several lists of shipping sworn to. Orders as to registry of one ship and entry of another.

March 28. Further lists of shipping sworn to. [*Board of Trade*. Maryland, 13. pp. 435-437.]

March 25. **323.** Minutes of Council of Massachusetts. The Address to the King on the permission of appeals to Customs-officers was agreed to and ordered to be engrossed. [*Board of Trade*. New England, 49. p. 151.]

March 25. **324.** John Usher to Council of Trade and Plantations. Since my last a vessel has been privately loaded with oars and despatched by Mr. Partridge and those in the rebellion with a packet for Whitehall. I know not what they have writ, but if they desire confirmation of the present Government, that Government is anti-monarchical. Partridge, by entering on the Government unqualified, is for ever incapable, besides the £1,000 penalty. No doubt you will give me opportunity to answer any complaints against myself, though I can charge myself with nothing but asserting the King's prerogative. If they have asked for remission of the £1,000 fine, I can only say that they knew it must be paid, and that Partridge has taken bonds from several for payment thereof. But, with submission, I think that a far greater sum than £1,000 is due for the affront and indignity put on the Lords Justices' orders. If they ask for pardon under the notion of mistake or misinformation, I answer that they know they have done what is wrong, and that the crime is no less than rebellion, but that they hope to escape the consequences through their distance from England. The orders from Whitehall were published publicly in several places, so they cannot plead misinformation. Since my departure they have bound my sheriff over in £200 to good behaviour, turned out the loyal officers of militia, put in such as are against Kingly Government and set up a little commonwealth. I have tried to execute the King's Commission and several orders, but I am laughed at. Had I but fifty men I would soon try the power, but cannot do so alone. I am informed that their reason for new modelling the militia is to resist Lord Bellomont's coming by force of arms, for they say that Partridge's commission and Lord Bellomont's are on equal ground for the King, and that they shall show good reasons before they submit. That is to say, unless their rebellion be countenanced, the usurpers of the Government continued, and no penalty be imposed on them, Lord Bellomont may come at his peril. You may think what I have written too harsh and out of grudge. If their actions be right, let them be excused; but if they be against the King's honour and dignity, let them be dealt with according to their demerit. No news of Lord Bellomont yet. *Signed, John Usher.* 1 p. *Endorsed*, Recd. Read 25 May, 1698. [*Board of Trade*. New England, 9. No. 13; and 36. pp. 382-384.]

March 25. **325.** Francis Eyles to William Popple. Of the two packets received from you about a month since one was put on board the *Lecx* (*sic*) frigate, and the other on the *Ryswick*, bound to Barbados. The latter is not yet gone, and has also one of the packets sent by

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you on the 23rd inst. The other shall be sent by the first ship that follows. *Signed*, Fran. Eyles. $\frac{1}{4}$ p. [*Board of Trade*. Barbados, 7. No. 63.]

March 28.
Boston.

326. Increase Mather to William Blathwayt. Thank you for yours of 6 February, 1696-7. May I beg for your favour with respect to the College. I should have been with you before this, were it not necessary for me to await the Governor's arrival before starting, in order to have his concurrence and countenance in that for which I am to solicit. This last week we hear that he is at Barbados, his ship having been blown off this coast. Pray improve your interest at court that the law for incorporating Harvard College (which was sent over this winter) may not come under consideration until I am with you, which I hope to be in July or August next. *Signed*, Increase Mather. 1 p. *Endorsed*, Reed. Read 30 May, 1698. [*Board of Trade*. New England, 9. No. 14.]

March 28.
Whitehall.

327. Mr. Secretary Vernon to Council of Trade and Plantations. I have laid before the King your representation of 18th inst. as to the instructions for the commander of the squadron to be employed for the suppression of pirates in the East Indies. You will inform yourselves from the East India Company how this squadron shall be supplied with provisions when the stores they carry with them shall be expended, and in what places they may depend upon being furnished with the said provisions, which the King expects should be under their care. As to the passing of an Act of Parliament here for the more easy and speedy trial of pirates, the King would have you consult the Attorney and Solicitor-General as to the heads of such a bill and lay the same before him. You will consider whether by the said bill the support and encouragement given to pirates by the American Colonies may not be prevented. As to the proposed Treaty with the Emperor of Morocco, you think that it would be of less use than to employ two or three light ships to cruise in proper stations to intercept the Sallee men-of-war. The King is informed that some ships of this sort are to go with Vice-Admiral Aylmer. *Signed*, Ja. Vernon. 2 pp. *Endorsed*, Reed. Read 28 March, 1698. [*Board of Trade*. Plantations General, 4. No. 102; and 34. pp. 261-262.]

March 28. **328.** Journal of Council of Trade and Plantations. Governor Goddard's letter of 22 September read.

Business of Newfoundland further considered.

March 29. Colonel Gibsons attended on the business of Newfoundland. Representations thereupon agreed to.

The Governor of the East India Company attended, when Mr. Secretary Vernon's letter of yesterday as to the victualling of the East India Squadron was read to them, and an extract from the same given to them for their answer in writing.

Mr. John Smith presented a memorial proposing to discover a silver mine in an uninhabited part of the King's dominions in America.

March 30. Sir Charles Hedges attending was directed to draft an Act for the easier trial of pirates in the King's dominions.

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On the recommendation of the Lord Chancellor it was agreed to recommend the appointment of John Corbet to the Council of Antigua.

Representation as to Newfoundland signed (*No.* 333).

March 31. Mr. Simon Cole presented Mr. John Pym's letter of 19th inst. and the Council drew up and signed a representation thereupon.

Memorial from the East India Company received of this day's date (*No.* 342) and sent to Mr. Secretary Vernon.

The representation as to Mr. John Corbet signed. [*Board of Trade. Journal, 11. pp. 8-14.*]

March 28. **329.** Journal of House of Delegates of Maryland. Sundry petitions considered. The Governor's message, disclaiming the Council's responsibility for any evil results of not passing the Militia Bill, and forwarding the heads of the proposed bill, read. Motion that the heads be referred to next session rejected. Messages to the Council upholding the right of the Delegates not to transmit the Journal of the Committee of Grievances, and expressing an opinion that their answer to the report of the Indian Committee was sufficient. Address to the King on the peace approved. Supplementary bill to the Act for regulating Ordinaries read a first time; Peter Dowdee's Naturalisation bill read twice. Resolved that sloops and boats belonging to the Colony which have permits and have given security may take in tobacco without further permit or report to the Collectors or Naval Officers, provided this be not repugnant to the late Act of Parliament. Bill for a Court to be held in Cecil County read a first time; supplementary bill to the Act for Ordinaries read a second time. These bills with several other papers were sent up to the Council, with an address complaining that the accounts of the arms were unsatisfactory.

March 29. The bills sent up yesterday were returned from the Council, and the amendments thereto were accepted. Message from the Governor and Council saying that the grievances of the province ought first and principally to be communicated to the Governor and Council, and asking for the journal of the same. Answer of the Delegates, declining to lay the grievances of the country before the Governor and Council in any other way than they have done. Message from the Governor again asking for a categorical reply to the report of the Indian Committee. Answer of the Delegates asking that they may not be unnecessarily detained any further on account of this matter. Certain proposals of the Council considered, and answered as follows. We think it unnecessary to pass an Act to confirm what has been done in altering the methods of the Assembly, and we disagree as to passing an Act against those who entice people from the province. The explanation of our vote on the Militia Bill is that it should not be referred for consideration at all. The Act alluded to in our resolution respecting sloops and boats is the late Act for preventing frauds. Our note respecting ferries is to apply to them all. *Answers end.* Several questions in the letter of the Council of Trade considered, upon which it was resolved as follows. We cannot encourage the settling of disbanded soldiers unless they are traders or possess

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sufficient stock to procure land, etc. We think that, in view of our poverty, an Agent for the province in England would be wholly useless. White servants who have served their time are well looked on and are provided by their masters with clothing and necessaries for one year. The industrious and frugal thrive, and the negligent and careless have the same fate here as elsewhere. Bill to decide disputes between masters and servants read a first time. Sundry petitions considered.

March 30. Bill as to masters and servants received from the Council and read a third time. The Council desired a conference on the bill concerning Attorneys. Message from the Governor commanding the House, since it will not pass an Act to confirm the Assembly's proceedings, to answer four of Gerard Slye's articles categorically, since, if they be true, the proceedings since that time must be erroneous. Resolved that the House will not answer, since it conceives that it is not affected by Slye's difference with the Governor. Message sent to the Governor accordingly. On a further proposal of the Council, resolved to adhere to the previous resolution against making a law to restrain the enticing of people from the province. On the Council's remonstrance that it cannot treat the grievances of the country as such, while presented to it as at present, resolved that if the Governor think thus, he denies the Delegates their rights. As to the Governor's command that the Delegates answer the report of the Indian Committee categorically, resolved that the Delegates have made a sufficient answer and desire that they may not again be pressed herein. Bill for a public levy read once; bill to revive expiring laws read twice. The Attorneys' Bill passed third reading.

March 31. Act to continue expiring laws received from the Council, and the amendments agreed to; the Attorneys' Bill also received. Message from the Council. The four articles of Slye against the Governor, if true, affect the whole Government, so the Governor thinks that he has the right to command your compliance to his orders in respect thereof. Answer of the Delegates, that they adhere to their former resolution in the matter. Message from the Council, disclaiming all responsibility for the consequences of not passing an Act to prevent people from being enticed from the province. Further message from the Council. An answer is requested to the question whether a letter shall be sent to the Governor of New York respecting the Indians. If you think that the Susquehannah Indians are outside this Government, the Governor will have nothing to do with them. Answer of the Delegates. We think a letter to the Governor of New York unnecessary, and we do think the Susquehannah Indians outside this Government. Fourteen bills passed through the final stage. Message from the Council. We have gone carefully through the messages exchanged over Indian affairs and find you have given no answer whether the proceedings of the Indian Committee appointed last October are approved or not, nor whether the letters from Sir Edmund Andros and his Council are well or ill. You say you think the Piscataways inconsiderable enemies: the inhabitants on the frontier think otherwise. If hostilities should ensue, the Governor thinks that some of you who hold that opinion should accompany him. He wishes he could see reason to dismiss the

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rangers, and does not doubt that if the Piscataways were resident in this Government he could reduce them to obedience. Also he thinks that when he issues orders in the King's name and not contrary to law, all persons should obey them. If you desire to end the Session, you should do what you met together to perform. *Message ends.* Answer of the Delegates, that they adhere to their former resolves, and ask that they may not be longer detained on account of these questions. Further message from the Council. You have given no direct answer whether the negotiations with the Susquehannah Indians shall proceed, as ordered by last Assembly, or not. If you do not confirm that order, it will not be acted on. Sir Thomas Laurence represented to the Speaker certain matters concerning fees to be paid in the Plantation Office. The House was of opinion that it had sufficiently qualified Mr. Povey to deal therewith.

April 1.

Journal of the Committee of Accounts read, and resolutions passed thereon. Message to the Governor asking for sanction of certain payments out of the money now in bank. Answer of the Governor refusing to comply, owing to the House's refusal to obey the directions of the Council of Trade, to appoint an Agent, to employ a lawyer to improve the laws, and to make any allowance for payment for business done for the country. Further message from the Governor. The bill to continue expiring laws differs from that which we sent down, therefore we require the original for comparison. The address to the King is neither written handsomely nor on good paper. Two sheets of gilt paper are sent herewith; but it may be necessary to add some further clause respecting Lord Baltimore's rumoured restoration. Answer of the Delegates. The alteration in the bill referred to was accidental; we send the original. The address shall be re-written, but the rumour as to Lord Baltimore gains credit, so we think it would be presumption to address the King on the subject. *Answer ends.* A mistake being found in Mr. Mason's accounts, resolved that no advantage shall be taken by reason of mistake in any numerical figures. Orders as to payments. Message from the Governor as to the levy-bill, and a second message enclosing copy of part of his instructions to show why he cannot assent to the bill to revive expiring laws in its present form. Answer of the Delegates, that if the Governor cannot pass the bill, they cannot consent to alter it. Criticisms of the Council on certain items of the accounts, and the Delegates' answer thereto. Message to the Governor, asking him to end the Session, as all business was done.

April 2.

Message from the Governor, saying that since the House will not alter the bill to revive expiring laws, he cannot pass it. As to Mr. Sewell's sermon, for which the Delegates refused an allowance, the Council think themselves as good judges as the Delegates. The gross reflections upon the Council, pretended to be razed from the Resolutions, are very ill-resented and call for public satisfaction. The Clerk of the Council ought to receive the same allowance for assistance as the Clerk of the Delegates; and the Governor is resolved to assent to no allowances that are not equal and just. Meanwhile the Delegates have neglected the letters from the Navy Office and Ordnance Office, and the answer to be sent to Mr. Bray. Protested

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bills cannot be allowed to stand in accounts. It is proposed that the Council and Provincial Justices be paid out of the overplus tobacco. The Governor expected that some remarks would have been made on Mr. Plater's and Mr. Muschamp's accounts, which has not been done. As to the joint Committee to apportion the public levy, Lord Baltimore's precedent will not be accepted. The Council think they have a right to a voice therein as also in the Committee of Accounts; and if the Councillors first nominated be not inserted first on the Committee for the levy, the levy bill will not be passed. As to putting an end to the Session, this would have been done long ago, had the Delegates accepted the methods proposed to them. *Message ends.* Answer of the Delegates. As to Mr. Sewell, it is for us to disburse the public money, and we are the best judges. We erased certain passages of our Journal from tenderness to the feelings of the Council. As to your Clerk and what you call a Committee, the people summoned by you durst not debate freely, having no authority from the country; we can therefore make no allowance to your Clerk for his services therein. The salary that we fixed for him was understood to cover all his claims. We cannot answer the letter of the Navy Office without reference to Mr. Edward Randolph. We have sent for Mr. Bray's letter. As to the protested bill we hope that for the honour of the House you will allow payment thereof. As to the payment of the Councillors we agree, so far as the overplus tobacco will extend. We also agree to your proposal as to the levy law. We make use of no precedents of Lord Baltimore's time. Two of the Council were added to the Committee of Accounts, but not admitted, being denied their votes; nor did they ever sit on the Levy Committee till last Assembly. Not being elected they have no right to dispose of the public assessments, and if you will not consent to the law as proposed, we can consent to no alteration. We have always answered your proposals according to the sense of this House, if not always to your satisfaction. We do not think it worth our while to look back over the accounts of Governor Copley's time. *Answer ends.* Report of the Committee on the threepence *per* hogshead for arms read and sent up to Council. Message from the Governor to the House to attend him, after which the following speech and proposals from the Governor were considered. We think that your Address concerning the King's lawyers has been answered sufficiently, indeed too mildly, considering that you call the Royal prerogative in question. Read Coke's report on the case of Lord Chief Justice Heath. You mention your rights and liberties. The Governor would be glad to know the particulars of them, and would recommend you to study those enumerated in an Act of Parliament of the first year of William and Mary. I know of no custom in this country which amounts to common law; if you know of such you are required to shew it. I do not believe that such an Address was assented to by all the Delegates; I should have been informed of the number of yeas and noes. As to your serjeant-at-arms, I know of no such officer and take it as high presumption that he takes such a title. As to your leaving your vote on your journal, it will remain a monument of your despotic inclination, of which your resolution on Mr. Lynes's petition, which would determine a point of law contrary

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to Act of Assembly, and several more of your actions, are examples. There are many uncertainties and inconveniences in your votes. We have passed all your addresses and resolves about grievances; but the practice in Virginia is for the inhabitants to set up their grievances under their hands at the Court houses, for the Burgesses to carry up to the Assembly. Unless you can so authenticate your alleged grievances, they can only be taken as evidence of malice and sedition. You represent the arrest of several justices and vestrymen as a grievance. I desire to know their names, so that, if they have been illegally treated, they shall have right and justice done them. You do not imagine that justices and vestrymen are not amenable to the law. I pledged myself at the opening of the Session to support all men employed under the King here, if they behaved themselves well, and if there be anything wanting that is reasonable I will pass a law to that effect. But the reason why many justices and vestrymen are contemned by the vulgar is that they suffer themselves to be abused in open Court, permit swearing, quarrelling and drunkenness in Court times, and in five counties have allowed themselves tobacco out of the County-levy contrary to law. I am surprised to hear that my sitting in view of the Provincial Court strikes terror into attorneys, jurors and suitors. It cannot do so to honest men, though I hope that it may to knaves. Some of the Kings of England have sat in Westminster Hall, and have attended Courts as spectators, and I do not understand what you mean by being restrained from your liberty, for I hope that I have not been guilty of injustice in or out of the Courts. If I have, I wish you to prove it. As to the expiring laws, your opinion that a prorogation is in strictness of law the end of an Assembly seems to be odd, dangerous and unprecedented, and if I should comply with your request to collect the imposition laid by five certain laws I should be guilty of dispensing with those laws. As to your reproach, that I will not redress your grievances and that I deny your rights, if you can accuse me of such things, I expect you to do so to the King or the Council of Trade. *Message ends.* Further message of the Governor in Council. On the answer received from you to-day (1) We cannot take the blame if the bill to revive expiring laws be not passed, for the passing of it as it stands would be contrary to the Royal instructions, which have been communicated to you. (2) As to Mr. Sewell, you have the power of raising money, but not of disposing of it without the consent of the Governor and Council. (3) As to your reflections on the Council, your answer is as ill-resented as the reflections themselves. (4) As to the Committee on Indian affairs, I have the right to summon any number of men for the King's service. If the report that they durst not debate freely be not proved on oath, I look upon it as false and scandalous. (5) As to our Clerk, he was placed on the same footing as the Clerk of the Delegates, and if extra allowance be made to the one, it ought to be made to the other. (6) As to the protested bill, it does not consist with the honour of your House that the matter should be referred. (7) The payment of the Council from the overplus tobacco is not assented to unless they be proportionately allowed out of the same. (8) I cannot assent to the levy law unless the number of Councillors already

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nominated be inserted in the bill, or unless (as in Virginia) the levy is apportioned in Assembly time. (9) The Governor denies that he keeps you here to constrain you to measures contrary to your wishes. Such an accusation should be made to the King or the Council of Trade. *Message ends.* Answer of the Delegates. We have considered your remarks and proposals, and on perusing our votes and proceedings find them so modest that we see no reason to recede from them and shall leave them on our journals. The words serjeant-at-arms were a mistake, and ought to have been "a messenger in the nature of a serjeant-at-arms." We have acknowledged our error in summoning the Clerk of Council and the Secretary without your leave. We have appointed Mr. Philip Clarke to draw up oaths for the principal officers and grand jury, against next Assembly. As to the overplus of tobacco, we desire to admit of no novelty. *Answer ends.* Message from the Governor. (1) I cannot consent that your journal should record that I consented to the adjournment of the House to the Speaker's chamber at any ordinary. I was only told of it after the adjournment had been made. (2) I have appointed a Committee to examine the papers respecting the protested bill, to report thereon against next Session. (3) As to the overplus tobacco, if I understand your meaning aright, I will consent to pass the allowances granted by you, on certain conditions. (4) Upon your whole answer I notice that it is not *nemine contradicente* that some of you have given up a part of your infallibility. I expect that you will assert the same to the King and Council of Trade, when I doubt not to make you appear a little fallible. A letter from you, supposed to be for the Bishop of London, has been received and read. I scorn to have my reputation and honour supported by some of you; I rather look upon it as a scandal, for I can prove one of you to be a villain on record, and the lives of many of you are known not to be agreeable to truth and justice. [*Board of Trade. Maryland, 15. pp. 252-294.*]

March 28. **330.** Minutes of Council of Maryland in Assembly. Heads of the Militia Bill drawn up and sent to the Delegates. Report of the Committee on the Church and free schools read; resolved to agree with the Delegates except on one point. Resolved that the export duty on European goods sent to Pennsylvania is no obstruction to the export of the said goods from England. Order for vacation of a Navigation bond. Bill for holding a Court in Cecil County and a supplementary bill to the Act for Ordinaries read a first time. Two petitions considered. Remarks on certain resolutions of the Delegates. (1) We agree as to the payment of the Secretary and Chancellor in future, but their present claims must be discharged. (2) The votes as to the Militia Bill and as to sloops and shallops require explanation. Copies of the accounts of the revenue sent down to the Delegates. Message from the Delegates refusing to send the Journal of the Committee of Grievances. Answer from the Council insisting on their right to see it. Dowdee's Naturalisation bill read a first time and amended. Messages and proposals to the Delegates (*see preceding abstract, 29 March*).

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- March 29. Message to the Delegates, bringing to their notice a case of enticing people from the province. Joint Committee requested for viewing the records. Bill as to disputes between masters and servants read a first time. Message from the delegates as to disbanded soldiers, appointment of an agent, treatment of white servants and other matters (*see preceding abstract under date*). Message to the Delegates about Gerard Slye's articles (*see ibid.* 30 March). The Delegates' answer as to the Indians. Messages to the Delegates, explaining the former message as to enticing inhabitants from the province, and as to Indian affairs. The Attorneys' Bill referred for a conference.
- March 30. Report of the conferrers on the Attorneys' Bill read and approved, and the bill read a second time. Proclamations for thanksgiving and against Romish priests read and approved. Bill to revive expiring Acts read a first time. Remarks of the Council thereon. Answers of the Delegates as to Gerard Slye's articles and other matters; with the further messages of the Council and replies of the Delegates thereto (*see preceding abstract*).
- March 31. A complaint from Pennsylvania about the duty of 10 *per cent.* levied on women-servants and guns transported thither, referred to the Delegates, also the complaint of Prince George's County about the menace of the Piscataway Indians. Answer of the Delegates as to Slye's articles and Susquehannah Indians. Message to the Delegates, asking for the return of the papers relating to Slye, and commanding any members who pretend to justify his charges to do so in writing. Sir Thomas Laurence represented that Mr. Povey and Mr. Blathwayt had not been rewarded. Indian matters again considered, and a message of remonstrance thereon addressed to the Delegates, who replied that they wished not to be detained by that business. Answers of the Delegates as to Mr. Povey and Mr. Blathwayt. Remarks of the Council on the bill for reviving expiring laws. Message to the Delegates respecting their address about the King's lawyers (*see preceding abstract*, 2 April).
- April 1. The Journal of the Committee of Accounts considered. Remarked that some Delegates have larger travelling allowances than the Councillors, that Mr. Sewell's allowance is refused, that some of the Delegates' boys are admitted as Clerks, and that allowance is made to two persons for their protested bills. Messages from the Delegates desiring the disposal of some money in bank, that they do not contemplate reviving any expiring laws for more than three years, and that they think it presumptuous to address the King as to the rumour of Lord Baltimore's restoration. Message to the Delegates, refusing the disposal of the money requested, in consequence of the Delegates' recalcitrance. Further messages to the Delegates as to adding Councillors to the Committee for apportioning the levy, and forwarding the Royal instructions as to expiring laws. Message from the Delegates asking for the Session to be ended. Further message from the Delegates, refusing to give way about expiring laws, granting the travelling expenses of Councillors, urging that Mr. Sewell's sermon was unsatisfactory and defending the employment of a Delegate's servant as clerk as being an encouragement to learning. Answer of the Council to these arguments. (*See preceding abstract*, 2 April.) Order for certain rangers to be disbanded and for others to be raised.

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April 2.

Answer of the Delegates to the Council's criticisms, with the Council's rejoinder thereto, and the Governor's final message. (*See preceding abstract.*) [*Board of Trade. Maryland, 14. pp. 294-339.*]

March 29.

331. Minutes of Council of Jamaica. A *dedimus*, empowering the Council to administer to the Governor the oaths appointed by the Act for regulating the Plantation Trade, was read, and the form of the oath set out. The Governor explained that the *dedimus* had been addressed to the late Receiver-General and had come to his hands on the 23rd inst. Some debate arose whether, owing to the time being elapsed, the Council could tender the oath, but it was finally resolved to tender it. The Governor thereupon handed in a paper, pointing out that the oath prescribed in the *dedimus* was not wholly consonant with that prescribed in the Act for regulating the Plantation Trade, since that Act mentions certain specified Acts which the Governor shall swear to execute, whereas the *dedimus* says "All other Acts that relate to the trade of the Plantations." To such an uncertainty no man could honestly swear, and he therefore proposed to take the oath if he were allowed to add that he would do his best to execute the Acts specified in the Act for regulating the Plantation trade, and any other Acts that might come to his knowledge. The Council declined to allow him to make any such an addition. The Governor thereupon issued a declaration repeating his readiness to take the oath to do his best to execute the Acts, but that he could not swear to execute that which he did not know nor statutes which though existing seemed to be obsolete, and that he must throw himself on the King's mercy if he incurred the penalty of £1,000 appointed by the Act. Thomas Finch was rejected as unfit to execute the Receiver-General's office and Charles Chaplin was appointed in his stead. Orders for several payments. The Governor again offered to take the oath, with an addition to save his conscience, but the Council refused to allow the oath to be added to or altered. [*Board of Trade. Jamaica, 79. pp. 82-89.*]

March 29.

332. Minutes of Council and Assembly of Nevis. The ten members of the Assembly were returned and sworn. James Bevan was chosen Speaker. Four patents for land passed.

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Three patents for lands passed. [*Board of Trade. Leeward Islands, 64. pp. 465-466.*]

March 30.

Cockpit.

333. Council of Trade and Plantations to the King. In obedience to your order in Council of 17th inst., we have examined the condition of Newfoundland, and find that at St. John's two forts of nine and five guns have been erected on either side of the harbour's mouth, and a fort of sixteen guns within the bay. At his departure Colonel Gibsone left them twelve officers and 289 men, including sick men, of his own regiment, and twenty-nine officers and men of the train of artillery. After consultation with Colonel Gibsone and Captain Norris we recommend that these fortifications be made more perfect, and that two other small batteries be erected within the harbour, not far from the outermost batteries. For defence of these forts and batteries the least number of men judged necessary is forty-three privates, besides non-commissioned officers,

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under a lieutenant and an ensign, one master gunner, six gunners and a store-keeper. Provisions being dear and the climate bad in Newfoundland, the pay and subsistence of the soldiers there should be as follows, viz., the value of 6*d. per diem* the first cost in provisions, 2*d. per diem* for clothing, and 2*d.* for expenses, with a proportionable allowance to the officers; and the Ordnance Office should take similar care for the maintenance of the gunners and others belonging to the train. All the other officers and soldiers, as also the other attendants of the train, should return to England by the first convoy, receiving an allowance of provisions during their passage, unless your Majesty send money to discharge such men as may be willing to stay on the place or dispose of themselves elsewhere in the Plantations. Provisions for one whole year should be sent out by the Victuallers of the Navy by the usual convoys, also money to pay them until the coming away of the convoys, with an abatement of so much *per diem* as the provisions furnished to them shall have amounted to, not exceeding 4*d. per diem* for each man's allowance, until they come upon the new establishment, also a competent sum towards the subsistence of the officers and soldiers until the return of the convoys next year. To complete the old and erect the new fortifications workmen should be sent from England with bricks sufficient to face the works, and as much lime and planks (to be taken in as ballast by the merchant ships) as the Ordnance Office, after consulting with the engineers, think necessary. A chain of 95 fathoms, with a boom, should also be sent from hence, to be so fitted that it may be drawn across the harbour in the place where the batteries now stand; also an iron bridge and a capstan for heaving the boom across. The engineer now there should inspect this, for the better effecting of this work, during the present summer; the seamen of the convoys and the soldiers should also assist therein, receiving some extraordinary allowance in brandy during their work. When this work is completed the soldiers may be allowed to work at convenient times in the fishery or otherwise, for their greater encouragement; but the officers shall have no power over the planters or fishermen except to summon them together for common defence in case of actual invasion. The foregoing we think necessary for the preservation of this important trade and country, the returns whereof have generally amounted to the value of £300,000 annually to this kingdom. Signed, J. Bridgewater, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen, Abr. Hill. [*Board of Trade. Newfoundland, 25. pp. 184-188.*]

- March 30. **334.** Minutes of Council of Maryland. A collector's petition for a warrant of assistance for pressing men and horses was referred to the law-officers for report; the same collector's report for erection of houses to hold landed goods was ordered to be referred to the Commissioners of Customs.
- March 31. A letter from the Commissioners of Customs respecting certain Scotch traders was read, and communicated to the Collectors and Naval Officers.
- April 1. Samuel Holdsworth produced a deputation as prize-agent for all prizes in Maryland, superseding that of Peter Jenings, and asked that Jenings should make over all accounts of that office to him;

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which question was referred to the law-officers. Order for the Court of Appeal to sit on 14th inst. Letter for discharge of the rangers in Baltimore County signed. Order for Colonel Addison to enlist ten men to strengthen the rangers on the frontier-plantations; the old rangers to continue till the new be equipped.

April 2.

Two justices of the Provincial Court obtained leave to go home. Resolved that masters of ships may be allowed to register their ships, on making oath who are the owners. Agreed to represent to the King that the rumours of Lord Baltimore's restoration cause much unrest, and that his restoration would do much mischief not only to the Protestant Church, but to the good frame and constitution of the Courts of Justice. Ninian Beale and Richard Owen, offering themselves as officers of rangers, were referred to Colonel Addison. Robert Mason put out from being sheriff of St. Maries County and a new sheriff appointed. Agreed to recommend John Hammond, Richard Hill, Thomas Tasker, and Francis Jenkins, as candidates for Council. Order as to duplicates of records to be kept by Naval Officers. Order for the law-officers to report as to the powers of surveyors under Edward Randolph's commissions. The Council asked the Governor to form the Military Commissions and instructions when the arms come in. William Bladen was sworn Surveyor and Deputy Collector for Annapolis. [*Board of Trade*. Maryland, 13. pp. 437-446.]

March 31.
Whitehall.

335. Council of Trade and Plantations to the King. Having received advice from Governor Codrington that the number of Councillors in Antigua is at present under twelve, we recommend the appointment of Mr. John Corbet, who is now upon his departure thither, to be a member of the Council. *Signed*, J. Bridgewater, Wm. Blathwayt, John Pollexfen, Abr. Hill. [*Board of Trade*. Leeward Islands, 45. p. 176.]

March 31.
Kensington.

336. Order of the King in Council. Appointing John Corbet to be of the Council of Antigua. *Copy*. $\frac{1}{2}$ p. *Endorsed*, Recd. 28 April, Read 6 May, 1698. [*Board of Trade*. Leeward Islands, 5. No. 78; and 45. p. 181.]

March 31.
Kensington.

337. Order of the King in Council. Approving the representation of the Council of Trade of 30th inst. (No. 333), and ordering (1) that the Treasury prepare an establishment of officers and men for the garrison to be left in Newfoundland, and for issuing such sums as are needed for the provisions and other charges specified in the representation. (2) That the Master General of the Ordnance give the necessary orders for the preservation of the old fortifications and erection of the new in Newfoundland, for maintenance of the store-keeper and gunners of the train that are left there, for bringing home the rest of the attendants of the train, as also for sending the necessary workmen and materials and for such other matters as lie within the duty of the Office of Ordnance. *Copy*. 1 p. *Endorsed*, Recd. 6, Read 9 April, 1698. [*Board of Trade*. Newfoundland, 3. No. 98; and 25. pp. 191-192.]

March 31.
Kensington.

338. Order of the King in Council. Approving the proposals of the Council of Trade in their representation of 30 March (No. 333)

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as to the pay and subsistence of the garrison to be left in Newfoundland, the bringing home of the rest of the men, the sending out of provisions for one year by the convoys, and the extraordinary allowance for soldiers and seamen working on the fortifications; and directing the Admiralty to give the necessary orders as to victualling. *Copy. 1 p. Endorsed, Recd. 6, Read 9 April, 1698. [Board of Trade. Newfoundland, 3. No. 99; and 25. pp. 193-194.]*

March 31.
Cockpit.

339. Council of Trade and Plantations to the King. Since presenting our representation on the defence of Newfoundland we have intelligence from the Western ports that several foreign ships are going from Spain and Portugal to the fishery, for the better carrying on of which they have seduced and hired many English subjects. The undertakers hope thereby to instruct themselves in the trade to the lessening of ours, by vending the manufactures of Europe to the English there and supplying themselves with fish, which hitherto they have always received from us. To prevent this we beg that you will order the Admiralty to direct the Captains of the men-of-war going as convoys to Newfoundland to take all English subjects out of foreign ships that are found on the coast to the North-Eastward of Cape Race, and to hinder all foreign ships from trading and fishing between Cape Race and Cape Bonavista, within which limits the English have their usual settlements and fishery. *Signed, J. Bridgewater, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen, Abr. Hill. [Board of Trade. Newfoundland, 25. pp. 120-101.]*

March 31.
Kensington.

340. Order of the King in Council. Approving the representation of the Council of Trade of same date (*see preceding abstract*), and ordering the Admiralty to give instructions to the commanders of the convoys to Newfoundland accordingly. *Copy. ½ p. Endorsed, Recd. 6, Read 9 April, 1698. [Board of Trade. Newfoundland, 3. No. 100; and 25. pp. 194-195.]*

March 31.
Leghorn.

341. Copy of a letter from Leghorn to Samuel Lockley, merchant. Mr. John Barrow, who acts here as Consul, has given a patent to a Jew here for a French-built ship to go under English colours to Newfoundland and back hither. This ought not to be suffered, for it will spoil all our trade there and ruin our merchants if Jews and foreigners are allowed to trade direct to these parts. We have therefore advised you, that you may take measures to stop these designs and hinder these projects, for the preservation of our fish trade. *Signed, Arundel, Shepheard and Mitchell, Partners. 1 p. Endorsed, Communicated by Mr. Lockley. Recd. 18, Read 20 April, 1698. [Board of Trade. Newfoundland, 3. No. 101; and 25. pp. 202-203.]*

March 31.
East India
House.

342. The East India Company to Council of Trade and Plantations. In reply to your questions how the squadron designed for the suppression of pirates shall be provisioned, which service the King expects to be under our care, we answer as follows. We have no settlement at Madagascar, but are well informed that if the squadron takes in salt here, or at the Isle of May on its way thither, it may have other provisions at Madagascar at very reasonable

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rates—an ox for a dollar or two, and goats, rice and caravances proportionably cheap, to be purchased with pieces-of-eight. If the squadron proceed to the coast of India and touch at Bombay, Surat or any other of our factories we will take care that the Commodore shall have such credit as may be necessary for further supplying his ships, the Commodore giving bills on the Victuallers for the Navy for repayment. We believe, however, that if the squadron returns by way of Madagascar (which it would be very necessary for it to do) it would have little occasion for any supply except for some fresh provisions to the commanders. *Signed*, Ro. Blackborne, Secretary. *Copy*. 1½ pp. *Endorsed*, Recd. Read 31 March, 1698. [*Board of Trade*. Plantations General, 4. No. 103; and 34. pp. 263-264.]

March 31. **343.** Council of Trade and Plantations to Mr. Secretary
Cockpit. Vernon. In fulfilment of the King's commands in yours of 28th inst. (No. 327) we have been attended by the East India Company, and have endeavoured to satisfy them of the fitness and necessity of their taking under their care the supplying of the squadron (designed chiefly for the protection of the East India trade) with the provisions which it will require in the East Indies. We enclose their reply (*see preceding abstract*). *Signed*, J. Bridgewater, Will. Blathwayt, John Pollexfen, Abr. Hill. [*Board of Trade*. Plantations General, 34. p. 265.]

March 31. **344.** Order of the King in Council. That proper seals be
Kensington. prepared for Virginia, Bermuda and New Hampshire, and that the Council of Trade give directions accordingly. *Signed*, John Povey. ¼ p. *Endorsed*, Recd. 5 April, 1698. [*Board of Trade*. Plantations General, 4. No. 104; and 34. p. 266.]

April 1. **345.** The Secretary of Massachusetts to William Popple.
Boston. Advising the despatch of originals and duplicates of Minutes, Journals and Acts. *Signed*, Isa. Addington. 1 p. *Endorsed*, Recd. Read 25 May, 1698. [*Board of Trade*. New England, 9. No. 15; and 36. pp. 381-382.]

April 1. **346.** Minutes of Council and Assembly of Nevis. Messages from the Assembly to the Council, asking for a joint Committee to revise the laws of the island confirmed by the King, to redraft such as need it and to draw such new bills as are necessary. Committee appointed accordingly. On the proposal of the Council the Assembly agreed to billet the soldiers for two months longer. The Assembly sent four bills to the Council for concurrence, which were agreed to; and agreed to raise a small levy to pay the public debts. The Assembly offered a bill for Assemblymen to serve when chosen, which was agreed to. On Major William Butler's refusal to serve in the Assembly a writ was issued for the election of another member. Six Acts were passed this day. [*Board of Trade*. Leeward Islands, 64. pp. 466-468.]

April 2. **347.** Minutes of Council of New York. The Earl of Bello-mont's commission as Governor was read, and Colonel Fletcher after delivering up the seals withdrew. The Earl and the Lieutenant-Governor were then sworn, also the members and Clerk.

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of Council. Resolved to issue proclamations for the dissolution of the Assembly, against vice and profaneness and for confirming officers in their places. [*Board of Trade*. New York, 72. p. 83.]

April 2.
Boston.

348. Lieutenant-Governor Stoughton to Council of Trade and Plantations. The winter has been so severe that the harbours have been frozen up, and several ships have been driven off the coast by the violence of winds and weather. I have heard from Lord Bellomont at Barbados (to which place his ship was forced) that he intended to sail for New York on the 17th February, but he had not arrived there by the 22nd of March, so I suppose that he was detained at Barbados. On the 22nd of February the Indians surprised and killed five English at Andover, a frontier-town, and burned three houses and barns, entering the town at night to the number of forty. The careless inhabitants were supinely secure, thinking that the Indians would observe the peace, or be kept still by the extremity of the cold. They therefore neglected their watches, and the Indians took the advantage. I at once sent one hundred men upon their track, but after ten days' pursuit they were obliged by the violent cold, snow and rain to return, being unable to endure lying abroad in the woods. There has been no appearance of Indians since they observe the guards to be on duty. Signed, Wm. Stoughton. $\frac{3}{4}$ p. Endorsed, Recd. Read 25 May, 1698. [*Board of Trade*. New England, 9. No. 16; and 36. pp. 379-381.]

April 4.

349. Journal of House of Delegates of Maryland. Mr. Hutchison was appointed to draw up an answer to the last message of the 2nd inst. The House went up to the Council Chamber, when the Governor assented to all the bills except the reviving bills of the public levy, and prorogued them to 3 May. [*Board of Trade*. Maryland, 15. pp. 294-295.]

April 4.

350. Minutes of Council of Maryland in Assembly. The Council observed that by failing to send an answer to the last message on the 2nd inst., the Delegates had cost the country 20,000*lbs.* of tobacco more than they need, which was probably done on purpose by some of the members who are Provincial Justices and Attorneys of the Provincial Court which is to sit tomorrow. A messenger was despatched, who reported that the Delegates had adjourned to the Speaker's Chamber but would shortly adjourn to the State-house. The Governor then told the Council what he proposed to say to the Speaker; after which William Bladen gave evidence of Philip Clarke's extravagant language and behaviour relating to the Assembly. The Governor then addressed the Delegates, telling the Speaker that he had broken his promise to keep the Royal prerogative untouched, that the House had by its action claimed arbitrary and unbounded power, that though they had freedom of debate they must not give out or declare anything to the disturbance of the King's Government, that they must not be so confident in promising what great things they would do, and that, in spite of human opposition, what he had undertaken had prospered. And therewith he prorogued them to 3 May. [*Board of Trade*. Maryland, 14. pp. 339-343.]

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April 4. **351.** Journal of Council of Trade and Plantations. Mr. John Smith brought two witnesses to confirm his report of the discovery of a silver-mine and promised to draw up a fuller memorial thereupon.
Sir William Beeston's letter of 13 December last read.
- April 6. Sir Charles Hedges presented a draft Act for the trial for pirates in any of the Plantations. Order for the Attorney and Solicitor General to attend thereupon on Friday next.
Order in Council of 31st ult. as to seals read, and Mr. Harris ordered to attend on Friday next.
Sir William Beeston's letter of 9 December last read. Order for the Secretary to enquire of Mr. Gilbert Heathcote who is the Mr. Harris that is mentioned in the letter.
A letter to the Treasury asking as to the salaries of the officers of the Board, now twelve months in arrear, was approved.
Mr. Ashurst, son of Sir Henry Ashurst, presented Mr. William Partridge's letter of 3 January last, and one from the Council and Assembly of New Hampshire of 8 February last, which were read.
- April 8. The Attorney and Solicitor-General attending were directed to write their thoughts on Sir Charles Hedges's draft Act for trial of pirates.
Mr. Heathcote and Mr. Way presented a memorial (No. 360) which was read. They added that Mr. Harris, who had been patentee of the Secretary's office of Jamaica, was now dead; that the office had since been granted to Mr. Baber, who had made a contract concerning it for five years with Mr. Whitfield, a minister, brother-in-law to Mr. Brodrick, and that Mr. Brodrick by holding other places in like manner might have too much sway and influence in Jamaica. They represented also that it was unreasonable for a patentee to put in a deputy without the approbation of the Governor and Council. Order for Mr. Baber to be summoned to attend on Monday next.
Three Orders in Council of 31st ult. as to Newfoundland read. Order for Mr. Simon Cole to attend on Tuesday next.
Minutes of several papers of public proceedings at New York read. [*Board of Trade. Journal, 11. pp. 15-23.*]
- April 5. **352.** Copy of the writ issued for election of Representatives for New York. 2 pp. *Endorséd*, Recd. 29 Sept., 1698, from Mr. Weaver, Read 7 Sept., 1699. [*Board of Trade. New York, 7. No. 57.*]
- April 5. **353.** Minutes of Council of New York. James Graham sworn Attorney General, and Matthew Clarkson, Clerk. Order for the writs for the New Assembly to be returnable on the 18th of May. Order for a special commission for the trial of three mariners for murder of the master and supercargo. [*Board of Trade. New York, 72. p. 84.*]
- April 5. **354.** Minutes of Council of Maryland. The Governor reported that the Speaker of the House of Delegates had received from the Clerk a copy of the Journals of the House without leave of himself or Council. The Speaker was thereupon summoned and confessed

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that he had a copy of the Journal of the Delegates by order of the House. Being asked to deliver it up, he said that he did not know whether he could or not without the order of the House; whereupon the Governor ordered him not to stir out of town until he delivered it. William Bladen, Clerk of the House of Delegates, being summoned and questioned, said that he had never received orders from the Governor or Council to alter or omit anything in the Journals sent to England, except private petitions of no public concern. The Speaker then gave up his Journal, and Mr. Bladen was specially ordered to send that copy to England. [*Board of Trade*. Maryland, 13. pp. 446-447.]

April 5. **355.** Minutes of Council of Jamaica. The Governor after mature reflection announced his readiness to take the oath which he had refused at the meeting of 29 March. Richard Lloyd and William Brodrick raised objections to its being tendered again, but they were overruled and the Governor took the oath. Orders for certain payments. Order for pardon of a negro condemned to transportation. Order for payment to a ship's master for the passage of four tradesmen from England, though from ignorance he had omitted to comply with part of the Act. [*Board of Trade*. Jamaica, 79. pp. 90-92.]

April 5. **356.** Minutes of Council of Montserrat. Members for the General Council and Assembly of the Leeward Islands elected. Patent for land granted. Order for a list of all fines levied since 1672 to be delivered to John Perrie, surveyor of the King's revenue. [*Board of Trade*. Leeward Islands, 64. p. 533.]

April 6.
Jamaica. **357.** Governor Sir William Beeston to Council of Trade and Plantations. I have already reported that I sent the Chatham to Petit Guavos to demand satisfaction for the damage wrought by Kelly since the peace. She brought back what could there be found; but it is feared that Kelly has turned pirate, and on that account the French refuse to make good all that he has robbed from us. Many others of the French privateers have turned pirates, and have captured three of our sloops within a fortnight. We much want a small ship and good sailer to follow them near the shore, where a fifty-gun ship will not venture. I have already signified to you the prejudice arising to the Island by the constant change of their deputies by the patentees, whereby the records, the treasury, etc., are much disturbed and not carried on as they should be. And now by the last ship the Patentee for the Treasury has sent out a Mr. Finch as his deputy. I asked the Council about him, and they unanimously concluded that he was a man of insufficient interest, authority and parts for the place and desired me to put in Mr. Charles Chaplin, who is one of the Council and against whom the Patentee cannot except because he had a deputation for the office before, but till now did not think to meddle in it. What I have done is consonant with the King's instructions as well as the good of the country and will therefore, I hope, be approved by you. By the same ship came the King's powers to some of the Council to swear me to the Act for regulating the Plantation Trade. It was accidentally sent to me on 23 March, when I opened it and saw

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what it was, but did not, I declare, read it so as to take notice that it must be sworn to before the 25th. But I looked at the oath itself, which seemed to me so positive and severe as to require the serious consideration of any honest man before he took it; and since the Council was to meet on the 29th, I conceived that day would be time enough, and meanwhile shewed it to two of the Council for their opinion. They are sworn to advise and assist me, but, instead thereof, when I produced it at the Council I found that they were taking all the ill advantages that they could against me, interrogated me as if I had been a criminal before them and told me I had forfeited £1,000. Upon this I hesitated to take it, for reasons which I have laid down and now transmit to Mr. Blathwayt; for if I am out of the Government, as is said here, and have forfeited £1,000, I have lost all I can lose, and have no occasion to take so severe an oath. Pray ask Mr. Blathwayt to lay my letter to him before you, when I shall willingly submit to your justice, having no design but to satisfy my conscience in so doubtful a case. Nor has it in any way injured the King's service or the laws, for I have always taken all possible care that the Laws of Trade shall not be broken. But if those who are sworn to advise and assist the Governor act on the contrary with purposed design to run him into errors, it will be impossible for me or any one else to keep perfectly so severe an oath. It is interwoven too with many knots in relation to the laws that the best lawyers here cannot agree in. I beg therefore that you will recommend my case to the King, that that may not be taken ill from me nor imputed as a neglect or fault in me, which was only the terror under which an oath so severe and attended by so very many unknown parts and circumstances had laid me. The people in these parts look always but with an ill eye upon their Governors, though never so kind to them, and are on all occasions more ready to do them harm, as it lies in their power, than good. But this takes away even all authority and subjects a Governor to the insults and information of everyone, let him do the best that he can, so that, saving my duty to the King and my willingness to serve him, I had by many times rather have parted with the Government than have put myself under such an oath, which I know requires much care and diligence to keep; and when one has done one's best, doubt will remain that one has not fully performed it, because one cannot tell when one has done it owing to the many uncertainties and secret branches to which it in many parts of that Act refers. Nevertheless I assembled the Council yesterday, and after much consideration concluded that by great care and diligence I might keep my part of it as Governor, and took it accordingly. The two gentlemen who used me so ill at first opposed it now, saying that it had been tendered already and could not be tendered again, but to that I answered that I now tendered myself to take it, and since that was what the law required they could not refuse. All the rest of the Council were for it, and they have made a return of the whole, though by these gentlemen's means they have been very officious, saying more than their powers authorise them to do. But having performed it and being resolved to keep it, I beg you to intercede with the King

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not to take it amiss that I took some time to consider so serious and weighty a matter. *Signed*, Wm. Beeston. *Holograph*. 2 pp. *On the third page*,

Copies of the oath which the Council was empowered to administer to Sir William Beeston, of his objection thereto, of the Council's answer, and his declaration thereupon, and of his final taking of the oath. See Minutes of Council of Jamaica of 29 March and 5 April. *The whole endorsed*, Recd. Read 16 June, 1698. [*Board of Trade*. Jamaica, 8. No. 87; and 56. pp. 198-205.]

- [April 6.] **358.** Draft of a bill to be passed in the English Parliament for the trial of pirates in any of the King's dominions. This bill empowers admirals, vice-admirals or any persons commissioned by the King to issue a warrant for arrest of pirates and to assemble a court, consisting of twelve persons besides those who issue the warrant, on board ship or ashore, for their trial; no officer below the rank of warrant or commissioned officer to sit in such a court, and no civilian except of good reputation and approved by the Governor of the place or factory. The procedure to be that of a court-martial; judgment to be given according to plurality of voices, the lowest in rank giving his voice first. Sentence to be executed upon the high seas or between the ebbing and flowing of the tide. 9 pp. *Endorsed*, Presented by Sir Charles Hedges. Recd. Read 6 April, 1698. [*Board of Trade*. Plantations General, 4. No. 105.]

April 7.
New York.

359. Robert Livingston to Governor the Earl of Bellomont. While attending your leisure to communicate some matters to you within your lodgings I was assaulted by Colonel Fletcher, who lifted up his hands to my face with these words, "Sirrah, or villain, I am now out of Commission and a private man, and you are the occasion of all the mischief and *I will be revenged on you and I wish I may find you with a sword by your side.*" He also spoke other opprobrious words, by which I find that I cannot have access to you. I beg therefore the protection of the laws, so that if Colonel Fletcher have anything against me he may do it by due course of law and not terrify me by threatening expressions. *Signed*, Robert Livingston. The above statement was sworn to on 19 April, 1698. Colonel Fletcher denies that he used the words in italics. *Signed*, Bellomont. 1 p. *Endorsed*, Recd. 29 Sept. from Mr. Weaver. Read 30 Sept., 1698. [*Board of Trade*. New York, 7. No. 58.]

April 8.

360. Memorial relating to the Secretary's office in Jamaica. The Secretary's office, lately held by Mr. Harris, deceased, and for which Mr. Baber now has a patent, is one of the highest concern to the inhabitants and proprietors of estates in that island. The person who executes that office is entrusted with all the records and all wills and conveyances for estates, so that he is the keeper of every man's title to his estate. On the vacancy the Governor put in Mr. Thomas Nicholls, a gentleman bred to the law, who gave security and executed the office with general approbation for a considerable time, accounting to the patentee for one-half of the profits. About eighteen months ago, Mr. William Brodrick, Attorney General

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and Judge Admiral of Jamaica, rented the patent from Mr. Harris, and put in one Mr. Stephen Towse, born in Ireland, but a perfect stranger to affairs in Jamaica. On the arrival of Mr. Brodrick and Mr. Towse, Nicholls surrendered the office and records to the latter, who died a few months later, when the Governor and Council reinstated Mr. Nicholls as a person fitly qualified by ability and integrity. Mr. Nicholls executes the office at present, and is, we are informed, ready to secure to the patentee as good rent or better than he was to have from Mr. Towse; he is ready also to give some of the most considerable inhabitants for his sureties, having had the good luck to give general satisfaction. The gentlemen concerned in Jamaica wish that Mr. Nicholls may hold the office from the patentee at the price for which he would let it to another, rather than a man brought in by the interest of Mr. Brodrick, who by such means has several other offices of trust and profit at his disposal—a power too great to be deposited in one hand. *1½ pp. Endorsed, Presented by Mr. Heathcote and Mr. Way. Recd. Read 9 April, 1698. [This should be 8th April.] [Board of Trade. Jamaica, 8. No. 88; and 56. pp. 191-192.]*

April 9. **361.** Minutes of Council and Assembly of Nevis. The Council agreed to the Assembly's proposal for the Act for an impost on liquors to be amended and sent to the Governor, with a letter showing the reasons why he should pass it; and for a supplementary Act to be sent up immediately after. A petition for compensation for an executed negro recommended to the Assembly. [*Board of Trade. Leeward Islands, 64. p. 469.*]

April 9. **362.** Minutes of Council of Maryland. Henry Phipps and William Bladen brought in the Journals of the Committees of Laws and of Grievances for this last Session. Phipps on examination admitted that both were in his hand-writing, but that in the Journal of Grievances he had written only what was bidden him by the Chairman, that this had not been read to the Committee, that it was all that he had been ordered to write, and that the Chairman took all the other papers into his own possession. He said further that the journal of the laws was dictated by various members of the Committee and read over to them, that he had kept no rough notes, and that he had styled the Delegates "the Honourable House of Assembly" by the Committee's order. Order for the copies of this examination to be sent to all the counties that they may see how the country is abused, particularly by the hiring of Committee-rooms in a public house when rooms are already set apart in the State-house, and in Mr. Clarke's receiving the profit of his servant Phipps's allowance for acting as Clerk of those Committees. William Bladen deposed that on the 2nd inst. Philip Clarke said to him that he wondered the Governor did not keep old Randolph with him as he was a good scholar, and that if the Governor had only advised with him he might have had anything he wished done in the Assembly. Certain depositions concerning Pennsylvania were referred to the law-officers. [*Board of Trade. Maryland, 13. pp. 448-450.*]

April 11 **363.** Journal of Council of Trade and Plantations. Mr. John Smith produced his memorial relating to silver-mines in America.

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Minutes of Council of Jamaica from 13 August to 1 December, 1697, read. Mr. Baber attended and said that he had appointed Mr. Allan Brodrick to be his deputy in Jamaica, whose uncle, the Attorney-General, would take care that he gave good security. Ordered that Sir William Beeston be acquainted in the next letter of the Council's care in speaking to Mr. Baber.

Mr. Cole attended on the business of Newfoundland and was informed of the representations and other orders thereupon. He desired to have the heads thereof in writing, which were given to him.

April 12. Mr. Usher's letters of 19 and 23 December last read; also Mr. Addington's letter of 15 January, enclosing several Acts and public papers of Massachusetts.

Order for the Secretary to pay himself £15 for the use of his house by the Commissioners after the fire at Whitehall, and three guineas to his servants.

Mr. Usher's letter of 20 January last, and Mr. Stoughton's of 25 January last, were received and read.

April 14. Mr. Burchett's letter of yesterday as to convoys read (*No. 367*), and orders given to the Secretary for his answer to the same this day (*No. 368*). [*Board of Trade. Journal, 11. pp. 23-28.*]

April 12. **364.** Minutes of Council of Barbados. Orders for sundry payments. The Assembly sent up a member to report that they were met, and desired two members of Council to swear them, which was done. Charles Buckworth appointed Judge of Admiralty. [*Board of Trade. Barbados, 65. pp. 345-346.*]

April 12. **365.** Journal of Assembly of Barbados. Message to the Council to ask for a Councillor to swear the Assembly. Bills for printing the laws and ascertaining the powers of the Assembly passed. [*Board of Trade. Barbados, 65. pp. 289-290.*]

April 12. **366.** Minutes of Council of Virginia. A letter from the Commissioners of Customs was read, acquainting the Governor of the discharge of two ship-masters' bonds.

April 13. The Clerk of the Council being sick, the Attorney-General was instructed to assist him in his duty. The Committee appointed for revision of the laws asked for further time to complete the same. Order for the ship *Flying Hart* to be delivered to her purchasers. Order for renewal of the Naval Officers' bonds. Order for impressment of a sloop to carry assistance to H.M.S. *Swift*, stranded near Currahtuck. Order for prohibition of fictitious transfers by masters of ships. [*Board of Trade. Virginia, 53. pp. 117-119.*]

April 13. **367.** J. Burchett to William Popple. The Admiralty has appointed several ships to proceed to the West Indies to relieve the ships now there. My Lords desire to know, before the final instructions are given to them to proceed, how long the Council of Trade think it necessary for the ships now there, in time of peace, to wait for their respective convoys. The Order in Council of 22 October, 1696, directs that two months' stay should be allowed for loading and unloading, with the addition of certain days, not exceeding twenty, to those of Barbados, and fifteen to those of

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Jamaica and the Leeward Islands. *Signed*, J. Burchett. $\frac{1}{2}$ p. *Endorsed*, Recd. Read 14 April, 1698. [*Board of Trade*. Plantations General, 4. No. 106; and 34. p. 267.]

April 14.
Cockpit.

368. William Popple to the Secretaries of the Admiralty. In reply to Mr. Burchett's letter of yesterday, the Council of Trade would refer the Admiralty to the Order in Council of 8 November last, grounded on the Admiralty's report of 6 November and the Council's representation of 19 October, fixing the number and rates of the men-of-war to attend the West Indian Islands, which the Council of Trade take to be the present rule in that matter. [*Board of Trade*. Plantations General, 34. p. 268.]

April 14.
Bermuda.

369. Governor Goddard to Council of Trade and Plantations. Yours of 2 July reached me not till the 1st of November. I find that you were pleased to accept the allegations of Mr. Richier's brother and the complaints of other persons, and to recommend that another be appointed Governor in my place. I wish he were come with all my heart. I think this, with submission, a hardship upon me without hearing, but while I am Governor I shall be careful to discharge my duties. Yours of 27 October reached me on 14 January. I hope that you have received my former letters, and I beg that you will favour and countenance me with common justice, for I ask no more. You will find all Richier's allegations, and those of Fox, Mr. Vaughan and Adam Eve all fully answered. I send you a declaration of Mr. Wall as to Richier's loyalty, which I may venture to aver to be true, though not upon record. I may confidently affirm that lies have been his only refuge and support in his scandalous accusations against me. At midnight on 24 December he broke out of prison and is concealed up and down in the island. I hear from several parts of the West Indies of a new Governor coming to Bermuda. I wish he were here with all my heart, and I at Whitehall defending myself against Mr. Richier's falsities. *Signed*, J. Goddard. $1\frac{1}{2}$ pp. *Endorsed*, Recd. Read 20 May, 1698. *Enclosed*,

369. i. Address of the inhabitants of Bermuda to the King. Congratulating him on his deliverance from the two late conspiracies, and praying him to continue John Goddard as Governor. 145 signatures. *Copy*. 2 pp.

369. ii. Minutes of Council of Bermuda, 3 January, 1697-8. The Governor informed the Council that Isaac Richier had escaped from prison, and written letters to several persons that by Order in Council of 17 May, 1697, Mr. Goddard had been removed from the Government. The Council resolved that these letters tended to faction. *Here follows a copy of one of Richier's letters*. The Council then examined the allegations of Thomas Walmsley, and on the Governor's query declared that he had never forbidden nor obstructed by intimidation the taking of evidence on Richier's behalf, that Mr. Richier's disloyalty was on record, that the statements of the other complainants were also refuted by the records, that Richier had never appealed to the King in

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Council, as alleged by John Dudgeon, and that Governor Goddard was always ready to restore Richier's goods. Formal protest of the Council against the allegation that Governor Goddard intimidated witnesses who came forward on Richier's behalf. $4\frac{1}{2}$ pp.

369. III. Extract from the Minutes of Council of Bermuda of 17 February, 1698, giving an account of the proceedings at the proclamation of peace. 1 p.

369. IV. Record of the dismissal of Isaac Richier's appeal in the suits between him, Nicholas Trott and William Peniston. $\frac{1}{2}$ p.

Further records as to these suits. Record of the proceedings in outlawry against Isaac Richier, 15 May, 1695. Certificate of the authenticity of these records. 5 pp.

369. v. Narrative of the disaffection of Isaac Richier by Samuel Wall. A series of allegations of disloyal language, rejoicing at defeats of the English and the like. 1 p.

369. vi. Declaration of Samuel Wall. That Isaac Richier called him rogue, villain, rebel and traitor, when he confessed that he was in the revolution against King James. $\frac{1}{4}$ p.

369. vii. List of the foregoing documents enclosed in Governor Goddard's letter. $\frac{1}{2}$ p. [*Board of Trade*. Bermuda, 3. Nos. 23, 23 I.-VII.; and (without enclosures) 29. pp. 113-114.]

April 14. 370. Minutes of Council and Assembly of Antigua. On the representation of the Assembly that the Council could seldom make a quorum owing to the infirmity of some of its members, Henry Pearne and John Tankard were sworn of the Council. The Assembly sent up a message asking for certain accounts to be paid, and another submitting a scheme of taxation, and asking for writs to be issued for election of two new members in the room of Mr. Pearne and Mr. Tankard. The Council concurred in the latter message. A patent for land passed. The Governor adjourned the Assembly to 5 May. [*Board of Trade*. Leeward Islands, 64. pp. 252-255.]

April 14. 371. Minutes of Council of Maryland. A brief empowering the Collectors and Naval Officers to receive subscriptions to the church and free-schools was sent to the various districts. Depositions taken as to young John Coode's announcing that a new Governor was coming, and as to scandalous words spoken by Philip Clarke. The said Clarke was then examined as to his attestation of the charges formulated by Gerard Slye, but said that he knew nothing of most of them. James Crauford swore likewise that he knew nothing of them. It appearing that Philip Clarke had acted as Deputy Collector to George Muschamp, the papers concerning the business were referred to the law-officers.

April 15. Ninian Beale made a report about the new rangers. The Grand Jury having prosecuted the Sheriff, Clerk and Justices of Prince George's County for illegal levying of tobacco from the inhabitants, Sir Thomas Laurence disclaimed any receipts from such a levy

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and promised to displace the Clerk. A Coroner was discharged for taking illegal fees. Order for enquiry into the days occupied by the Commissioners of the levy in St. Mary's and Calvert Counties, and of their expenses at the ordinary-keepers'. Order for dismissal of the Clerk of Cecil County for misconduct. William Bladen gave evidence as to the speech made by the Speaker to the Committee of Grievances, asking them to ascertain why the levies were higher now than in Lord Baltimore's time. On the opinions of the law-officers, Colonel Jowles, though Chancellor, was summoned in default of other members to sit in the Court of Appeal. The Governor acquainted Robert Smith and four more gentlemen of his intention to recommend them for Councillors. New militia-officers appointed for Anne Arundel County. Fresh evidence taken as to scandalous words used by Philip Clarke and Josiah Wilson. Order for the clerk of the Mayor's Court of St. Mary's to furnish returns of all proceedings therein. Order for the Court of Appeals to open to-morrow, and for Arnold Noding's sloop to be released on his giving bond to answer the value in case of condemnation. [*Board of Trade*. Maryland, 13. pp. 451-465.]

April 14. **372.** Minutes of Council of Massachusetts. Order for payment of £100 to the persons appointed to wait on the Earl of Bellomont, and leave granted to them to draw such further money as they shall need in New York.

April 16. Order for payment of £100 for provisions and accommodation for Lord Bellomont on his arrival. [*Board of Trade*. New England, 49. pp. 151-152.]

April 15. **373.** Minutes of Council of Virginia. On the petition of several masters of ships as to entering and clearing, it was ordered that the Collectors proceed to their duty therein. [*Board of Trade*. Virginia, 53. pp. 119-120.]

April 15. **374.** J. Burchett to William Popple. Your letter of yesterday has been laid before the Lords of the Admiralty, but after perusal of the Order in Council of 8 November last, of the representation of the Council of Trade and the report of my Lords thereon, they find nothing therein to satisfy them in what they desire. This Order in Council, made during the late war, expressly directed how long the men-of-war were to wait for loading and unloading at Jamaica, the Leeward Islands and Barbados. The Admiralty desires to know whether, in the opinion of the Council of Trade, it is necessary in time of peace to make any alteration in the time for which the men-of-war at these places shall wait for the homeward-bound ships. *Signed*, J. Burchett. 1 p. *Endorsed*, Reed. 16th, Read 18th April, 1698. [*Board of Trade*. Plantations General, 4. No. 107; and 34. pp. 269-270.]

April 15. **375.** Commissioners of Victualling to William Blathwayt. We lately received an order from the Commissioners of the Navy, of which and of our answer we enclose copies. Yesterday we waited on the Lords of the Admiralty, and are satisfied that the provisions for the garrison of Newfoundland must be sent in ships freighted here for that purpose, which we shall endeavour to take up with all speed. As to two further particulars we are still in

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doubt, and since the Admiralty gave us no directions we must ask you to explain (1) What will be the number of non-commissioned officers in the garrison; (2) What it is to be accounted sufficient to victual them for a year. If you cannot answer us, pray obtain for us orders whether we shall send the full proportion of victuals allowed to the seamen on the King's men-of-war at whole allowance for the whole time of thirteen months, which completes a year. Sometimes our orders have been for victualling soldiers otherwise than seamen; and in particular on some voyages the soldiers have been allowed but two quarts of beer a day, whereas the seamen at whole allowance have a gallon. Again the seamen are sometimes on short allowance of two-thirds of their provisions, so that eight months' provisions at whole allowance serves for twelve months. If this be thought sufficient, then only eight months and two-thirds of provisions at whole allowance need be sent to answer the thirteen months for the whole year. Pray let us clearly understand what we have to do. *Signed*, Hum. Ayles, Simon Mayne, Tho. Papillon. 1 p. *Endorsed*, Communicated by Mr. Blathwayt. Recd. Read 18 April, 1698. *Enclosed*,

375. 1. Copy of a letter from the Navy Board to the Victualling Board. Navy Office, 5 April, 1698. Ordering them to send over to Newfoundland forthwith, with the men-of-war now bound thither, provisions for one year for two officers and 43 privates, with their non-commissioned officers, and for eight attendants of the train. $\frac{1}{2}$ p.

Copy of the Answer of the Victualling Board to the Navy Board. Victualling Office, 12 April, 1698. With reference to yours of 5th, please explain (1) whether the provisions are to be sent to Newfoundland on a man-of-war, or on a ship taken up for the purpose; for our order is to ask the Treasury for money for the victuals, and nothing is said about freight. (2) How many non-commissioned officers there are, for we are not so skilled in military matters as to know the exact number? (3) Is the allowance to the soldiers to be the same in proportion as to the seamen of the King's ships, and, if so, how many months' provisions are to be sent to be sufficient for a whole year? Seamen at short allowance have but eight months' provisions for twelve months, and we do not think ourselves fit judges of what is sufficient. Without such explanation we cannot make an estimate for the Treasury. $\frac{3}{4}$ p. [*Board of Trade*. Newfoundland, 5. Nos. 102, 1021.; and 25. pp. 195-199.]

April 18

376. Archibald Hutcheson to Council of Trade and Plantations. I enclose a packet received from Governor Codrington, with seven papers under cover to myself, with directions to give you the import of them, though I hope the perusal of the papers themselves will not be tedious to you. They will shew you that the esteem for him in the Leeward Islands, to which I alluded in my letter of November last, is not changed. Give me leave to repeat that

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Governor Codrington on the first notice of the Revolution appeared for the King, and has ever since freely exposed his person and disbursed his money for the service of the Government. His salary is now nearly four years in arrear, besides considerable disbursements on the public account; he has several times advanced his own money for the service of the Leeward Islands, but has never desired nor received any donation from them, and so far from making a great estate by the Government (as Mr. Walrond has misinformed you) it is only the great estate which he already possessed that has enabled him to pay the expenses of the Government. Greater evidence of good affection towards the present Government and of a generous inclination to serve the public than he has given, it would hardly be possible to give. The enclosed papers will shew you that Mr. Walrond has prevaricated grossly, and would have the Council and Assembly of Antigua treated as unjust sycophants for the justice that they have done to the Governor in this matter. With great modesty he expects to be believed before the joint representative of all of any note in the island. Being bound over to appear at next Sessions for scandalous words used of Governor Codrington, he has moved to Barbados, where he is very busy seeking deponents and depositions against him. I acknowledge that there is every reason to hear the complaints of the meanest subjects and to punish such Governors as really deserve it; but there is a justice due likewise to them, when groundlessly slandered or traduced, otherwise men of merit and fortune will be discouraged from accepting such stations. *Signed, Arch. Hutcheson. 1½ pp. Enclosed,*

376. i. Copies of messages exchanged between the Council and Assembly of Antigua. The Assembly to the Council. In view of the gross traducing of the Governor's reputation, we offer a representation, which has been brought forward by one of our members. (*See previous volume under date 11 Sept., 1697. No. vi.*) Answer of the Governor giving his thanks for the same.

Declaration of the Council of Antigua, 1 Sept., 1697, in vindication of Governor Codrington's loyalty, faithfulness and good service to the Leeward Islands against all aspersions.

Message from the Assembly to the Council of Antigua, asking for copy of Walrond's letter of charges against the Governor; and the Council's answer sending the same to them. *Copies. The whole, 4 pp.*

376. ii. Copy of Edward Walrond's letter of 11 September, 1697, misdated 11 December, 1697. 1 p.

376. iii. Message of the Assembly to the Council of Antigua. We have read Mr. Walrond's letter of accusation against Governor Codrington, also the letter signed J. Johnstone, dated 4 May, 1697, and having examined also the proceedings respecting Robert Arthur, we pronounce these letters to be false and scandalous, being unanimous that the Governor never used any contrivance to enable

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Arthur to escape from justice and that he has always been a loyal and faithful subject to King William.
Copy. $\frac{1}{2}$ p.

376. iv. Address of the Council of Antigua to Governor Codrington. We have read the letters and depositions sent home by Edward Walrond to accuse you. We know that when Arthur's affair was first brought before Council an order was given to the justices to examine him and the witnesses then on board the Jersey; we know that Arthur was bound over to take his trial, and had every reason to suppose (nor could you know to the contrary) that the witnesses had also been bound. We have often heard you express just resentment against the villainous actions committed by Arthur, though you did him the justice to say that he was a stout fellow and able to do the King service. We absolutely clear you of any design to palliate Arthur's crime. *Seven signatures.* *Original.* $1\frac{1}{4}$ pp.

376. v. Copies of documents relating to the despatch of H.M.S. Jersey to Nevis in May, 1697. Letter from Governor Codrington to Lieutenant-Governor Gardner, 8 May, 1697. I now send you the Jersey to convoy your outward bound merchant-ships. She must not stay with you above two days, though I have told Captain Bugdon twenty-four hours.

Sailing orders of Governor Codrington to Captain Bugdon, 8 May, 1697. To sail to Nevis and taking the merchant-ships there under convoy, to escort them northwards as far as latitude 20° , cruise a few days to windward of Deseada and return. You are not to stay at Nevis for more than twenty-four hours, nor is your cruise to exceed ten days. *Copies.* 1 p.

376. vi. Depositions of Henry Pearn, 5 Feb., 1697-8. Some days after the trial of Captain Arthur, I, in discourse with Edward Walrond, asked him how he came to pass the words for which Arthur was accused, since they were spoken in his house. He said that he was not in the room at that time, but was told of the words by his cousin, Henry Walrond, some days after. $\frac{1}{2}$ p.

376. vii. Certificate from the Governor, Council, Merchants and others of Nevis, that the report of the Governor's encouraging the pleading of the Act of Limitation is false and scandalous. *Signed, Sam. Gardner, and by fourteen more.* *Large sheet.* *The whole endorsed, Recd.* 20 April, Read 6 May, 1698. [*Board of Trade.* Leeward Islands, 5. Nos. 79, 79 i.-vii.]

April 18. 377. Minutes of Council of Massachusetts. Order for issue of writs for an Assembly to meet on 25 May, and that Nicholas Noyes preach a sermon to the Assembly on that day. [*Board of Trade.* New England, 49. p. 153.]

April 18. 378. Journal of Council of Trade and Plantations. Mr. Burchett's letter of 15th inst. read and orders given for the Secretary's reply thereto.

1698.

Letter from the Victualling Office of 15th inst. read. Order for an extract to be sent to Colonel Gibsone, and that his opinion thereon be desired against Wednesday next.

Order for the Acts of Massachusetts to be sent to the Attorney and Solicitor-General, with a request to hasten despatch of the Plantation Acts already before them.

April 20.

Colonel Gibsone presented a memorial (No. 384) as to the victualling of Newfoundland. He added that his reckoning had been based upon "seamen's allowance," viz. thirteen months to the year. He mentioned, in reference to his suggestion to send malt instead of beer, that there was a large quantity of cask left there which might serve for brewing beer, but that two coppers must also be sent. He asked for leave for Lieutenant-Colonel Handasyd to come home, and named Lieutenant Grig as the fittest officer to command in his place.

Order for the Secretary to ascertain from the Victualling Office the first cost of eatables and drink for a seaman on short allowance *per diem*. A letter from Leghorn of 31st ult. as to interloping trade to Newfoundland read. Order for copies to be sent to the Admiralty and to Mr. Secretary Vernon.

Mr. Brenton's letter of 8 March last read. Order for a representation thereupon to be drawn up, and for Mr. Duke to attend the Board on Thursday or Friday next.

April 21.

The letter to Mr. Vernon, as ordered yesterday, was signed. Letter of the Victualling Office read, and order given to the Secretary for his reply thereto (Nos. 386, 390).

Letter from the East India Company of yesterday read. Order for copies and extracts to be sent to Sir Charles Hedges and to the Admiralty for their opinion. [*Board of Trade*. Journal, 11. pp. 28-36.]

April 19.
Cockpit.

378. William Popple to the Secretaries of the Admiralty. In reply to Mr. Burchett's letter of 15 April, the Council of Trade is of opinion that it may be convenient, now in time of peace, to direct the commanders of the ships of war in the West Indies, which are now to be relieved by others, not to wait there for the merchantmen that are to return under their convoy longer than the term prescribed by the Order in Council of 22 October, 1696, but that it may be left to the Governors of the respective Plantations to shorten the said terms, as they see occasion for the King's service, and that a copy of the instructions be communicated to the Governors for that purpose. [*Board of Trade*. Plantations General, 34. pp. 270-271.]

April 19.
Whitehall.

379. William Popple to the Attorney and Solicitor-General. I forward Acts of the General Assembly of Massachusetts for your opinion thereon, and I am to remind you of the several Plantation Acts that are already in your hands and on which your opinion is much wanted. A list of them is enclosed to you. *Here follows the list.* [*Board of Trade*. Plantations General, 34. pp. 272-274.]

[April 19.]

380. List of laws of Massachusetts passed in September and October, 1697, which were sent to the Attorney and Solicitor-General on 19 April, 1698; thirteen Acts in all. $1\frac{1}{2}$ pp. [*Board of Trade*. New England, 9. No. 17; and 36. pp. 371-372.]

381. Return of the inhabitants of Albany City and County and of the numbers of the Five Nations, showing the decrease between 1689 and 1697.

		Men.	Women.	Children.
Albany City and County in 1689 numbered		662	340	1,014
" " 1697 "		382	272	805
Since the beginning of the war there have				
departed		142	68	202
" " taken prisoners		16		
" " killed by the enemy		84		
" " died		39		
Of the Five Nations				
There were in 1689 of the Mohocks	270 men, in 1697, 110 men.			
" " Oneidas	180	"	"	70 "
" " Onandagas	500	"	"	250 "
" " Cayonges	300	"	"	200 "
" " Senecas	1,300	"	"	600 "
" " River Indians	250	"	"	90 "
Total Indians	- 2,800			1,320

1 p. *Endorsed*, Delivered me by Mr. Livingston, 19 April, 1698.
Recd. 29 Sept. from Mr. Weaver. Read 30 Sept., 1698. [*Board
of Trade*. New York, 7. No. 59; and 52. pp. 481-482.]

April 19. **382.** Minutes of Council of Virginia. Bartholomew Fowler sworn of the King's counsel at law and as assistant to the Clerk of Council. The Naval Officers were sworn to observe the Act for regulation of the Plantation Trade. On a petition for further assistance to H.M.S. Swift, it was resolved that enough had already been done. [*Board of Trade. Virginia, 53. p. 120.*]

April 20. 383. The East India Company to Council of Trade and
East India Plantations. We understand that the ship Buckhurst, Captain
House. Edward Say, is now cleared for the West Indies, but is bound for
Muscat, and that she has 180 iron guns in the hold and 44
mounted, which we have reason to fear are designed to supply the
Muscatters, who have already taken two English ships and will in
all probability seize such others as they can meet and overpower.
We beg your attention to the extracts enclosed, in support of our
representation. *Signed*, Ro. Blackborne, Secretary. $\frac{1}{2}$ p. *Endorsed*,
Recd. Read 21 April, 1698. *Enclosed*,

383. 1. Abstracts of advices received from Persia by the East India Company touching the Arabs of Muscatt. From Spahaun General [Ispahan], dated 11 June, 1697, received overland 14 February, 1697-8. We hear that the Queddah, a merchantman hired in Surat, while on her way from Bengal to Persia put in at Muscat, where the Arabs have stopped her, demanding all goods that belong to any of the King of Persia's subjects. They stopped another English ship two years ago, and if they are not curbed at the first offers, they may grow more insolent by degrees.

1698.

From Spahaun General, dated 8 July, 1697, received 14 February, 1697-8. It may be worth your consideration to send some force to these parts as well to expel the pirates as to suppress the insolencies of the Muscat Arabs. Since taking the Queddah they have seized, plundered and kept another small ship, the London, belonging to Madras, under pretence of having Armenian goods on board, though she was wholly laden with English goods. They forced all the English aboard their ships to fight against the Portuguese, and for all that we know that some of them lost their lives in the late engagement. If the Arabs be not curbed quickly the trade into the Gulf of Persia will be ruined.

From Spahaun General, dated 15 July, 1697, received 7 Feb., 1697-8. The little ship mentioned in our last as seized by the Arabs of Muscat, has been openly sold there as a prize, and the English are kept close prisoners.

From Spahaun General, dated 4 November, 1697, received overland 8 April, 1698. The Imaum of Muscat refused to restore the London, with the rough answer that if we were disposed for war we should be very welcome, for they were ready to try what they could do with us. We believe therefore that they will take any of the Company's ships that they can master in future. $1\frac{1}{4}$ pp. [*Board of Trade*. Plantations General, 4. Nos. 108, 108 I.; and (without enclosure) 34. pp. 274-275.]

April 20.
Haymarket

384. Colonel Gibsone to Council of Trade and Plantations. I have, pursuant to your orders, read the letters from the Victualling Office (*see* No. 375) as to the provisions for the garrison in Newfoundland, and I think that short allowance—viz., six men to four men's allowance—both of eatables and drinkables is sufficient, but that care must be taken for them to receive full weight and measure, with which, and the allowance of twopence a day, they may live very well. I think it will be far better to send malt than beer. I have further to tell you that when I left Newfoundland I took up a transport ship to stay there for the winter for the security of the provisions there. Her owner is very pressing that she be discharged. Signed, J. Gibsone. 1 p. Endorsed, Recd. Read 20 April, 1698. [*Board of Trade*. Newfoundland, 3. No. 103; and 25. p. 201.]

April 20.
Cockpit

385. William Popple to the Victualling Board. With reference to yours of 15th, as to provisions for the garrison of Newfoundland, will you inform the Council of Trade what is the first cost of eatables and drinkables for a seaman at short allowance *per diem*? Your answer is desired with all possible dispatch. [*Board of Trade*. Newfoundland, 25. p. 200.]

[April 21.]

386. The Victualling Board to William Popple. We enclose a paper showing exactly the allowance to seamen at whole allowance for a week, the cost of provisions for 364 days to 60 men (which we take to be the number, assuming the non-commissioned

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officers to be seven), the cost of bare provisions at short allowance, which amounts to something over $6\frac{1}{4}d.$ *per man per diem*. The extraordinary dearness of provisions is the reason why things amount so high. We have set down also the estimated charge of cask and freight. Pray give us early directions whether we shall send the quantity of provisions as allowed to seamen at whole allowance, or only the proportion given at half allowance. We have treated for freight with several masters of ships bound to Newfoundland, but none will bind themselves to stay for the convoy (which our orders direct shall be done), insisting on liberty to sail when they are laden, though willing to endeavour to keep company with the men-of-war, if they sail at the same time. Pray give us orders whether we shall ship the provisions without obliging the master to wait for the convoy. There was a ship, the Providence, laded in New England by Colonel Gibsons's order, which being unable to make Newfoundland came to England, and suffered damage to the cargo of provisions during a storm in the Channel. The provisions on board her which were proper for the fleet we have made use of at Plymouth; but there were also on board molasses, shoes, stockings, medicines, garden-seeds, a few live stock and vegetables. We know nothing of the disposal of the two last items, but we suppose that the remaining goods may be sent out on any ship at freight to Newfoundland, and may be useful there. *Signed*, Tho. Papillon, Hum. Ayles, John Burrington. $1\frac{1}{4}$ pp. *Endorsed*, Recd. Read 21 April, 1698. *Enclosed*,

386. 1. Table of the allowance of provisions to seamen at full and short allowance. Estimated cost of provisions for 60 men for 364 days, at full allowance, £858; at short allowance, £572; at the rate of $6\frac{1}{4}d.$ *per day per man*, £569. Freight and cask for the aforesaid provisions at full allowance, £240; at short allowance, £160. 1 p. [*Board of Trade*. Newfoundland, 3. Nos. 104, 104i.; and (without enclosure) 25. pp. 203-205.]

April 21.
Victualling
Office.

387. The Victualling Board to William Popple. In our former letter of this day we omitted to mention that there was a hogshead of tobacco in the ship Providence which was driven over from Newfoundland to England. Pray give us orders as to this and the other goods in her. *Signed*, Tho. Papillon, J. Burrington. $\frac{1}{4}$ p. [*Board of Trade*. Newfoundland, 3. No. 105.]

April 21.
Admiralty
Office.

388. Copy of a letter from the Admiralty to Secretary Vernon. Pursuant to the King's Order in Council we gave the Victualling Officer orders to supply one year's provisions to the garrison at Newfoundland. The order, however, is prefaced by the words: "The pay of subsistence of the soldiers to be left there shall be as follows:—The value of $6d.$ *per diem* the first cost of provisions, $2d.$ *per diem* for clothing and $2d.$ *per diem* for expenses, &c." Is it hereby intended that the provisions to be sent to Newfoundland are to be provided at the rate of $6d.$ *per diem*, first cost, or that the soldiers should be victualled in the same manner as the soldiers sent to Newfoundland last year? Again the order

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directs that the officers and soldiers who are not left at Newfoundland shall be permitted to return to England by the first convoys coming from thence, and shall receive an allowance of provisions on the said convoys during their passage. We must acquaint you that none of the soldiers can be brought home in the convoys now going to Newfoundland, as they are to proceed directly from thence up the straits with the trade, as is usual in time of peace. $1\frac{1}{2}$ pp. *Endorsed*, Recd. 26, Read 29 April, 1698. [*Board of Trade*. Newfoundland, 3. No. 106; and 25. pp. 209-210.]

April 21. **389.** William Popple to the Secretaries of the Admiralty. Forwarding extract of a letter from John Pym of 19 March (No. 306) respecting a foreign ship trading to Newfoundland, that the Admiralty may give orders to the commanders of the men-of-war respecting the same. [*Board of Trade*. Newfoundland, 25. p. 206.]

April 21. **390.** William Popple to the Victualling Board. With reference to yours of 15th and your answer to mine of 20th inst., I am to inform you that the King will allow to the private soldiers at Newfoundland 10*d.* a day, viz., 2*d.* for clothing, 2*d.* for their daily expense, and the value of 6*d.* in bare provisions at prime cost, which last article amounts very nearly to the short allowance for seamen as given in your estimate. The value of 6*d.* *per diem* for each man in bare provisions at prime cost, should be the measure of what is now to be provided for them, and cask and freight is not to be deducted from the soldiers in this computation, but charged to the King. The Council concurs with you in the expediency of sending malt and hops instead of beer to Newfoundland, with necessaries for brewing and preserving beer there, as also in the exchanging of one-third of the beef for flour and suet. The non-commissioned officers are to be eight, including two drummers. The Council does not think it necessary for the ships carrying provisions to Newfoundland to await the sailing of the men-of-war. You may deal as you think best with the provisions in the ship which was driven over to England by heavy weather. There are 150 tons of cask belonging to the King which remain in Newfoundland; you may use part of it and bring the rest away as you think fit. [*Board of Trade*. Newfoundland, 25. pp. 207-208.]

April 21. **391.** William Popple to the Attorney and Solicitor-General. Cockpit. Forwarding copy of the East India Company's letter respecting the ship *Buckhurst* (see No. 383) for their advice as to the proceedings that may be legally taken to prevent her mischievous design.

The same letter (*mutatis mutandis*) was sent to Sir Charles Hedges, Judge of the Admiralty. [*Board of Trade*. Plantations General, 34. p. 276.]

April 21. **392.** Lieutenant Governor Stoughton to Council of Trade and Plantations. Boston. Since mine of 1st inst. I have received notice from Lord Bellomont of his arrival at New York. *Signed*, Wm. Stoughton. $\frac{1}{4}$ p. *Endorsed*, Recd. Read 7 June, 1698. [*Board of Trade*. New England, 9. No. 18; and 37. p. 1.]

1698.
April 21. **393.** Minutes of Council of New York. Order for Peter Schuyler and Godfrey Dellijs to proceed to Canada, taking with them the French prisoners, clothed, and to treat with Count de Frontenac for release of prisoners. £140 granted to them for their expenses. [*Board of Trade.* New York, 72. pp. 84-85.]
- April 21. **394.** Memorandum of a statement by Peter Schuyler and Dirck Wessels made at New York. Abraham Schuyler and two more were sent from Albany on 29 December, 1697, by Colonel Fletcher's order to advise the Governor of Montreal, Mons. de Callière, of the conclusion of peace. They carried with them the articles of peace but no letter from Colonel Fletcher, which was resented by M. de Callière as a slight, and as insufficient intimation of the peace. Peter Schuyler, Dirck Wessels and Mr. Dellijs wrote to M. de Callière to signify the peace, to which he answered in substance that the French Indians were out a hunting in expectation of peace, that he desired a confirmation as soon as might be, and that all the French prisoners might be released. *Subscribed*, told me by Colonel Schuyler and Dirck Wessels at New York on 21 April, 1698. *Signed*, Bellomont. $\frac{1}{2}$ p. *Endorsed*, Recd. from Mr. Weaver 29th, Read 30th Sept., 1698. [*Board of Trade.* New York, 7. No. 60; and 52. pp. 484-485.]
- April 21. **395.** Minutes of Council of Virginia. Richard Lee, Naval Officer for Upper Potomac, was sworn to observance of the Act for regulation of the Plantation Trade. Order for the ship, Seventh Son, seized for illegal trading to be brought for trial. [*Board of Trade.* Virginia, 53. pp. 120-121.]
- April 22. **396.** Sir Charles Hedges to Council of Trade and Plantations. With regard to the ship Buckhurst (*see* No. 391), if the East India Company will send persons who can give information on oath to the Court of Admiralty that they verily believe her to be going with guns to Muscat or upon any other unlawful design, a warrant may lawfully be granted to arrest her, and I think I am obliged to grant such a warrant whenever the King's Proctor and Advocate shall move for it. But if the setters forth of the ship shall give security for performance of the voyage according to her clearing, or shall shew that sufficient security is already given, or else make it appear that she is upon a lawful design, the warrant ought and will be forthwith superseded. *Signed*, C. Hedges. $\frac{1}{2}$ p. *Endorsed*, Recd. 23rd April, Read 29th. [*Board of Trade.* Plantation General, 4. No. 109; and 34. pp. 277-278.]
- April 25. **397.** Mr. Secretary Vernon to Council of Trade and Plantations. Forwarding a memorial concerning the infraction of the capitulation made at the surrender of Fort Bourbon in 1696 for their report and advice how the terms of the Treaty of Ryswick shall be complied with and the goods in question restored. *See next abstract.* [*Board of Trade.* Hudson's Bay, 3. pp. 45-46.]
- [April 25.] **398.** Memorial concerning the capitulation of Fort Bourbon in 1696. Setting forth that Mons. de la Forest capitulated on condition that the garrison, with their goods, arms, ammunition and two guns, were to be shipped to Placentia, but that in violation of

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the terms they were taken to England and their goods plundered. In November, 1696, Mons. de la Forest, then at Plymouth, made complaint and was brought to London. Interested parties obtained an order from the Court to send him back to Plymouth, but this was reversed by the King's order, and both sides were heard by the Council, when, in spite of all the skill of the greatest lawyers in England on behalf of the Hudson's Bay Company, no order was made to M. de la Forest's prejudice, which would never have been, if the certain members of the Council could possibly have obscured the truth. Final decision, however, was persistently delayed, and M. de la Forest was detained in London till August, 1697, when he died. It was, however, stipulated by Article 8 of the Peace of Ryswick that the capitulation of Fort Bourbon should be faithfully executed. *French. 3½ pp. Endorsed, R. 22 April, 1698. Annexed,*

398. 1. Copy of the capitulation of Fort Bourbon, 31 August, 1696. *French. 2½ pp. The whole endorsed, Recd. 26, Read 29 April, 1698. [Board of Trade. Hudson's Bay, 2. Nos. 17, 17 1.]*

April 25.

399. Extract of a letter from Mr. Secretary Vernon to Council of Trade and Plantations. Captain John Aldred of the Essex, prize, has complained to the Admiralty that the Council of Barbados refused to supply him with what was necessary for fitting the said ship to proceed according to her orders. I transmit the extract, that you may enquire as to the methods formerly in use for supplying the King's ships in the West Indies and what you now think fit to propose therein. *For enclosure see next abstract. [Board of Trade. Barbados, 44. pp. 188-189.]*

[April 25.]

400. Extracts of a letter from Captain Aldred to the Admiralty, 22 Feb., 1697-8. Ever since I received my orders from you I have waited upon you every Council day to the 8th inst., when I received the answer herewith sent. Since then I have contrived to rig my ship by my interest here, and hope to have her ready for sea in nine days, when I shall sail for Virginia.

Message from the Council of Barbados to Captain Aldred. We have considered your two memorials setting forth that the Essex under your command, bound to Virginia, had been driven off that coast by stormy weather and totally dismasted, and that you required £300 to repair her. We advised you to take up that sum from the merchants, drawing bills, according to custom. You then informed us that the merchants were willing to furnish you, but would not do it until you had received an answer from us in writing. We now inform you that we have no public money, and that the Assembly has voted that no more of the island's stock shall be applied to furnishing the King's ships. The Commissioners of the 4½ per cent. duty and the Receiver of the casual revenue also refuse to give money for this purpose without orders from Whitehall. *Copies. 2 pp. Endorsed, Recd. 26th, Read 29th April, 1698. [Board of Trade. Barbados, 7. No. 64.]*

April 25.
New York.

401. Edward Randolph to William Popple. I have waited upon Lord Bellomont, whom I find strict in supporting the interests of the Crown, enforcing the Acts of Parliament and suppressing

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pirates. Five or six vessels (as is reported) are come from the Red Sea; some are gone southward towards Carolina and Providence. I doubt not to hear later that some of them have touched at Pennsylvania, where Mr. Markham continues their steady friend. He entertained and countenanced some of Every's men; he had the Lords Justices' proclamation against them but after that let two of them go to Carolina, and the other two are in the province. One of them, Claus, a Dane, keeps a shop in Philadelphia; I saw him every day. Another of them, James Brown, is married to Markham's daughter, and lives near Newcastle if he be not dead. I administered the oath to the Governor, but he was not well pleased that I would not join him to break it. He pressed me to admit the Quakers' attest instead of an oath to prove that they were the owners of the vessels, whereas their own law (made since the Act for preventing frauds) enacts the contrary. But he values neither oaths nor Acts of Parliament so he may get money. I have the like account of other Proprieties. Mr. Webb at Providence has forgot his oath (I am informed), seizing and discharging vessels as he pleases, the masters paying well for it. Many of Every's men are in Carolina. Lord Bellomont is now sending the Fowey in pursuit of the pirates about the southern parts. I go upon her to administer the oath to the Governor of Carolina, and shall then write a particular account of proceedings there. It is absolutely necessary for three or four light frigates to be sent here and put under the direction of Lord Bellomont, otherwise all the Acts of Parliament and letters to Governors will signify no more than an old Gazette. This should be in addition to the Fowey and Deptford to guard New England and New York. Part of the charge will be prevented if the King appoint his own Governors with good salaries in the Proprieties. You remember how I pressed for the appointment of an Attorney-General in every Government. I have found the want of one in Pennsylvania, to put two forfeited bonds in suit. The parties are arrested, but nobody appointed to prosecute them for the King. Before I left England I proposed what is now confirmed to be necessary for the King's service, and I expect that care will be taken at home to remedy the misdemeanours in the Proprieties, otherwise I shall be of Mr. Penn's and Colonel Quarry's opinion—that the salaries bestowed upon the officers, especially in Pennsylvania, are but money thrown away. *Signed, E. Randolph. Holograph. 1½ pp. A brief abstract is inscribed. Endorsed, Recd. 6 July, Read 20 Oct., 1698. [Board of Trade. Plantations General, 4. No. 110; and 34. pp. 301-304.]*

April 25. **402.** Memorandum of the receipt of the above letter. $\frac{1}{4}$ p. [*Board of Trade. New York, 7. No. 61.*]

April 25. **403.** Robert Snead to Sir John Houlblon. I have sent an attested copy of my account of the pirates that ran away with the ship *Fancy*, together with other depositions. I understand that Mr. Randolph has sent copies of them to the Council of Trade. As long as the Government is in the hands of Quakers, as it is, it must be expected that pirates and unlawful traders will still be encouraged. Those pirates that did not break prison are at liberty without bail, and those that Governor Markham would not allow me

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to take up are they that encouraged others to go, and fitted the ship Fancy out for them. I am told that several pirates are expected here from the Persian sea. They may come for there is none to oppose them, here being no militia nor even power to raise any, the magistrates and their assemblies being Quakers. There are several hundred able and willing to bear arms, but if some few meet to exercise as an artillery, they threaten to indict them for a riot, the King's attorney being a Quaker. We have built a church and there are several of the Church of England who are of good estates, but we cannot call them our own, the Quakers being so prejudiced and insolent against all that are not so and having the government in their own hands. In all cases that come before them, judge, jury and evidence are never sworn, so that we cannot hope to enjoy the prosperity and liberty of subjects of England. These and many other grievances we were about to set forth to the King by petition when we were seized by these magistrates and stand bound from time to time. They declared in open Court that anyone who signed any paper relating to the Government should be fined, and made a law to prevent the same. I leave it to you whether such persons as will neither take an oath nor swear allegiance to the King should so arbitrarily govern English subjects. Since we dare not petition we beg you to intercede for us. *Signed, Robt. Snead. 1 p. Endorsed, Recd. Read 12 July, 1698. [Board of Trade. Proprieties, 2. No. 15.]*

April 26.
New York.

404. Edward Randolph to Council of Trade and Plantations. On the 16th December last I arrived at Annapolis, and on the 10th January administered the oath to Governor Nicholson. He continues very zealous to put the Acts in execution, and, to the end that no illegal traders may in future get off with slender security, he has put all forfeited Plantation bonds in suit and recovered judgment against several of the inhabitants. This makes many of them, who were Scotch traders, very uneasy to the Governor. Fearing that I could not administer the oath to the Governor of Pennsylvania within the time prescribed by the Act, I sent the commission to my servant to administer the oath to Sir Edmund Andros in Virginia, who duly took it. He is very strict himself, and obliges the officers of Customs to be very diligent and punctual. With much difficulty I got over Chesapeake Bay and travelled to Pennsylvania, calling at Newcastle, in Delaware Bay, on my way. It is chiefly inhabited by Scotch and Dutch, with a few French and one or two English. They are under an arbitrary Quaker Government where neither judges, juries nor witnesses are sworn even in trials of criminals. About four years ago when I was there I was informed that a man was tried, condemned and executed for supposed murder. Thus the King's subjects there and in Pennsylvania are in no wise secure in their estates, lives and liberties, nor can it be expected that the officers of Customs can have justice done when there are no persons qualified by oath to try their causes. On the 17th I administered the oath to Mr. Markham at Philadelphia, but he has not the Order in Council allowing him to be Governor. Governor Nicholson, hearing that some of Every's men were in Philadelphia, at once sent the proclamation for

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apprehending them to Mr. Markham, who instead of securing, supported and encouraged them. Two of them were carried to Carolina and another, Claus, lives in Philadelphia. I have seen him almost every day in the streets; and another of them, James Brown, is married to Markham's daughter. I enclose a copy of their examination attested by David Lloyd, the Attorney-General, also a copy of the preface of their laws, wherein they shew themselves independent of the Crown. I have ordered one inhabitant of Philadelphia to be arrested (being security for a ship which carried tobacco direct to Scotland) upon his forfeited Plantation bond of £1,000 and another upon a bond of £500. I went to the Governor and asked him to appoint an Attorney-General to prosecute these bonds for the King, but he did nothing therein. He has adjourned the Courts for six months, thus giving the persons arrested fair opportunity to save themselves and estates from further trouble, as also those whose forfeited bonds he refused to shew me. Thus the King's service is neglected, the Acts of Trade eluded, and the officers of Customs put to charge and trouble to no purpose. Mr. Markham has also discharged a New York vessel belonging to Colonel Heathcote and Captain Evans, of H.M.S. Richmond, which was seized by his own warrant since he received and published the Act for preventing frauds.

About ten days ago it was discovered that five or six ships from the Red Sea were on the coast. One of them was at Connecticut, and delivered part of her goods, but was seized by Lord Bellomont's directions. H.M.S. Swift ran aground at North Carolina and is in danger to be lost. I therefore intend to take my passage in the Fowey to administer the oaths to the Governors of Carolina and Bermuda and to carry the commission and instructions to the Bahamas, where I am informed that Captain Webb seizes and clears vessels, making the masters pay what he pleases, taking no notice of Mr. Graves, the King's Collector of Customs. You may remember that besides the provisions, in the Act for preventing frauds, as to the Governors of Proprietary Colonies taking the oath and being confirmed by an Order in Council, the House of Lords proposed in their address that the owners shall give security in £2,000 or £3,000 to observe the Acts of Trade and that till they had done so none of them should be approved. I believe that not one of these Governors (except Captain Webb) has been approved by Order in Council, nor have the owners given security. Thus all the measures taken under the new Act have been of no effect, and the sending of Customs Officers with large salaries is (as Mr. Penn has truly observed from the temper of his friends) only a charge to the Crown. To prevent this open contempt of the King's laws I would propose that the King take into his own hands the Government of all these petty independent Plantations, reserving to the owners always such rights and interests as are granted by their patents; otherwise, should a hundred Acts be made for their regulation, they will never be obeyed. It is also absolutely necessary that the Admiralty send out at least two light frigates, to be under Lord Bellomont's orders, besides those already appointed for New York and New England; otherwise it will be impossible to prevent illegal traders and pirates from

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trading along the eight hundred miles of coast from New England to Carolina and to defend lawful traders from pirates. They should be stationed at New York. *Signed*, E. Randolph. 2 pp. *A short abstract is attached.* *Endorsed*, Recd. 6 July, Read 4 Oct., 1698. *Enclosed*,

404. i. Copy of the title of the new laws made in Pennsylvania, viz.: "The laws made and passed by William Markham, Esquire, Governor under William Penn, Esquire, absolute proprietor of the province of Pennsylvania and the territories thereunto belonging, by and with the advice and consent of the Council and Representatives of the said province and territories in General Assembly met etc."

Here follows, Copy of the clause of an Act permitting those who object to take an oath, to make an affirmation; with copy of the affirmation for judges and justices. 1 p. *Endorsed*, Recd. 6 July.

404. ii. Examination of Peter Claus, of Philadelphia. In August, 1693, he was on board the ship *Golden Lion's Arms*, John Johnson, Commander, of sixteen guns and 130 men, which sailed for the West Indian trade with another ship in company, both having the King of Denmark's Commission. On that day, while they were at anchor off the *Ile de Prince*, a ship of 46 guns under English colours came in, took both the ships, under pretext of England being at war with the Danes, and plundered them. They then set one of them on fire, and having fired some shots into the other left them. They then sailed to *Fernando Po*, taking seventeen of the men with them, including deponent, and thence to the coast of *Persia*, where they took a large ship, and having plundered her sailed towards Europe, and at last arrived at *Providence Island*. Robert Clinton and Edmond Lassells were both on the ship.

Examination of James Brown. He was trading on the coast near *Madagascar* where he met the ship *Fancy*, Henry Every, Commander, who gave deponent a passage to Europe as an old acquaintance. He did not for some time find out that he had been on a piratical voyage. Peter Claus, Lassells and Clinton were on board. 1 p. *Endorsed*, Recd. 6 July. [*Board of Trade*. *Plantations General*, 4. Nos. 111, 111i, ii.; and (without enclosures), 34. pp. 295-300.]

- April 26. 405. Memorandum of the receipt of the above letter. $\frac{1}{4}$ p. [*Board of Trade*. New York, 7. No. 62.]

- April 26. 406. Minutes of Council of Virginia. Order for security to be given for the prize ship, *St. Louis*. Sheriffs were appointed for the several counties, and warrants for sundry payments were signed. [*Board of Trade*. Virginia, 53. pp. 121-122.]

- April 26. 407. Minutes of Council of Maryland. William Bladen appointed Clerk of Council. Order for securing the public records

1698. left behind by the late Clerk, and for making an inventory of them. The Duke of Shrewsbury's letter of 25 September, 1697, read, and order issued for preparation of a proclamation concerning pirates. Captain Bostock's letter of 15th inst. read, reporting the burning of the packets brought in H.M.S. Swift. The Governor announced that he would write to Captain Bostock to offer him every assistance.
- April 27. William Bladen sworn Clerk of Council. On the petition of masters of ships in Virginia, it was ordered that they be permitted to come and register their ships in Maryland. [*Board of Trade*. Maryland, 13. pp. 475-478.]
- April 29. **408.** Governor Codrington to Council of Trade and Plantations. I have received yours of 23 February with the proclamation enclosed. I am glad that you approve of my reasons given you in relation to Tortola. The documents which I have sent to you should put the title to which the Dutch pretend clearly out of dispute, and I shall observe your orders to prevent foreigners from settling on any of the Virgin Islands. I received about a month since the Commission to restore the French to their part of St. Christophers, and have already ordered the English to withdraw from it. When the French took our part of it they destroyed everything, and our people on retaking it destroyed everything of theirs in requital except their church and a few houses in Basseterre which were spared in the hope that the Treaty might give us the whole island; but as soon as our people had notice to leave them they pulled them down and moved the material on to their own ground, for the French left not a house of ours standing. I shall observe your orders to send Sir William Stapleton such intelligence as may be useful to him. The affidavit which you sent me in relation to Captain Ganspoole's servant, Benjamin Burnett, I gave to the Captain himself, and found that he had already sent him to Barbados so that the lad must have misinformed his friends. *Signed*, Chr. Codrington. $\frac{1}{2}$ p. *Endorsed*, Recd. 22nd, Read 23rd June, 1698. [*Board of Trade*. Leeward Islands, 5. No. 80; and 45. pp. 202-204.]
- April 29. **409.** The Attorney-General to Council of Trade and Plantations. I find no objection to the Acts of Massachusetts passed in September and October, 1697 (*list of twelve given*), but would remark that the Act concerning French prisoners, being determined by the close of the war with France, needs no confirmation. *Signed*, Tho. Trevor. $1\frac{1}{2}$ pp. *Endorsed*, Recd. 2nd, Read 3rd May, 1698. [*Board of Trade*. New England, 6. No. 19; and 36. pp. 373-374.]
- April 29. **410.** William Popple to Sir John Fleet, Governor of the East India Company. Forwarding copy of Sir Charles Hedges's opinion as to the ship Buckhurst (*see* No. 396), and promising that the opinion of the Attorney and Solicitor-General on the same subject shall be likewise transmitted as soon as received. [*Board of Trade*. Plantations General, 34. p. 279.]
- April 29. **411.** William Popple to the Attorney and Solicitor-General. Asking for their thoughts upon the draft of an Act to be prepared

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for the trial of pirates in the Plantations, with all possible despatch, lest the opportunity of this session of Parliament be lost; and reminding them that their opinion as to the ship Buckhurst is also awaited. [*Board of Trade. Plantations General, 34. p. 280.*]

April 29.
Cockpit.

412. William Popple to the Hudson's Bay Company. Forwarding extract from Secretary Vernon's letter of 25 April, with a copy of a memorial relating to the breach of the capitulation of Fort Bourbon (*No. 397*), with a request for speedy information and assistance. [*Board of Trade. Hudson's Bay, 3. p. 46.*]

April 29.

413. Journal of Council of Trade and Plantations. Sir Charles Hedges's letter of 22nd inst. read (*No. 396*). Order for copy to be sent to the East India Company, with the further intimation that the opinion of the law-officers upon the same subject shall be also communicated to them. Order for a letter to the law-officers this day (*No. 411*).

Mr. Duke attending said that he had no instructions to answer the complaints against the Rhode Island Government, and was unwilling to do so without instructions.

A letter from Mr. Vernon of 25th inst. as to interloping trade with Newfoundland was read; and thereupon Mr. Lockley was ordered to attend on Monday next. Copies of the papers also enclosed therein as to the surrender of Fort Bourbon were ordered to be sent to the Hudson's Bay Company (*No. 398*), and a letter to the Admiralty to enquire as to the convoys to Newfoundland was also ordered.

Heads of a representation upon the extract from Captain Aldred's letter (*No. 409*) were ordered to be drawn. [*Board of Trade. Journal, 11. pp. 36-40.*]

April 30.
Admiralty
Office.

414. William Bridgeman to William Popple. The convoys going to Newfoundland this year will none of them return directly to England, but will proceed with the trade to Portugal and the straits. *Signed, Wm. Bridgeman. ½ p. Endorsed, Recd. Read 2 May, 1698.* [*Board of Trade. Newfoundland, 3. No. 107; and 25. p. 211.*]

April.
Perth Amboy.

415. Governor Basse to William Popple. After a long and tedious voyage I reached New York in Lord Bellomont's company, and proceeding to the Jerseys published my commission and was sworn. To shew how the inhabitants received me I enclose a letter from the Council to the Proprietors. The only event since my arrival is that on the 9th inst. a pirate came into Sandy Hook, landed some men and killed several hogs. Some of them told the people that they belonged to Rhode Island, and that shortly there would be four or five Red Sea pirates on the coast. I at once informed Lord Bellomont, but the pirates, hearing of the change of Governors both there and here, put out to sea. I wish that some way might be found to suppress these sea-wolves and secure our East India trade. Another very prejudicial thing is the illegal trading to Curaçoa and Madagascar which Lord Bellomont does his utmost to discourage. I believe that a small fortification at Sandy Hook with ten or twelve men, one of whom ought to be a waiter to board every vessel, would do better service there for this end than

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the more chargeable maintenance of a man-of-war. I have communicated this to Mr. Randolph, who seems to approve of it. To end the controversies between the provinces about duties on goods exported and imported, it might not be amiss to bring all to an equal level by an Act of Parliament. I have just cause to believe that no other means can prove effectual, the several Assemblies being very hardly brought to such a compliance; and it is the only way to reduce the trade of the several provinces to greater equality. *Signed, J. Basse. 1 p. Endorsed, Recd. Read 4 July, 1698. Enclosed,*

415. 1. Council of East New Jersey to the Proprietors, Burlington, 14 April, 1698. Governor Basse arrived here on the 12th inst. to our great joy. We thank you for his appointment and do not doubt that he will perform his office perfectly. Such rude perverseness has seized the class of people called Quakers that none would move a foot to meet him, conduct him into town, or pay him the civility of a visit at his lodgings. The other people received him with every demonstration of joy. *Signed, John Tatham, Tho. Revell, John Jewell, Edward Randolph, on behalf of the rest. 1 p. [Board of Trade. Proprieties, 2. Nos. 16, 16 1.; and (without enclosure) 25. pp. 210-212.]*

May 2.
Virginia.

416. A list of bonds received from the Collectors of the King's Customs in Virginia. This comprehends a list of thirty-nine ships, with a note against each stating the result of putting the bonds in suit, and the sums for which judgment was given in certain cases. *Signed, William Randolph, Attorney-General. 1 p. Endorsed, Recd. 24 Sept. [Board of Trade. Virginia, 6. No. 44.]*

May 2.

417. Journal of Council of Trade and Plantations. Mr. Lockley attended and gave information as to interloping trade with Newfoundland. Mr. Bridgeman's letter of 30 April read (*No. 414*), and order given for a letter thereupon to Mr. Vernon to be prepared.

May 3.

The Attorney-General's letter of 29th ult. to the Secretary read; and orders given for a letter to Sir Henry Ashurst thereupon (*No. 420*), and for a further letter to the Attorney and Solicitor-General (*No. 424*).

Sir William Beeston's letter of 1 March read; and orders as to an answer given.

May 4.

Mr. Duport attended, and asked for a despatch of the Council's report on the Hudson's Bay Company's business. Order for the Secretary to write to the Hudson's Bay Company thereupon.

May 5.

Orders for Mr. Harris to be requested to send a description of the seals for Bermuda and New Hampshire; and for the Governors of Colonies to be reminded occasionally of their instructions to send home naval accounts and lists of ships.

Representation on the complaint of Captain Aldred signed (*No. 427*).

The Attorney and Solicitor-General presented their opinion upon the matter of the ship Buckhurst (*No. 419*). Order for copy to be sent to the East India Company.

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Draft Act for trial of pirates read. The Secretary was directed to ask the law-officers to explain certain heads thereof.

May 6.

Order for a letter to Mr. Henry Crips, now living at Wandsworth, that he bring to the office several papers of the Council of Trade of 1662 and 1663, now in his hands.

Copy of a warrant for providing seals for Bermuda and New Hampshire read.

Order in Council of 31 March, appointing John Corbet to the Council of Antigua, read. Mr. Edward Walrond presented two bundles of papers relating to Governor Codrington's administration. Letter of the Lieutenant-Governor and Council of Montserrat in vindication of Governor Codrington read. Several papers from Governor Codrington himself and from Mr. Hutcheson were also laid before the Council.

Letter to Mr. Vernon of this day as to Newfoundland signed. [*Board of Trade. Journal, 11. pp. 41-53.*]

May 3.
Ordnance
Office.

418. Commissioners of Ordnance to the Earl of Romney. With reference to the memorial of the Council of Trade respecting the defence of Newfoundland, we agree that for the preservation of the fort lately built there a master gunner, six gunners and a storekeeper are absolutely necessary; but this being a new establishment we hope that the King will order particular provision for payment of the same, amounting to £401 10s. *per annum*, or oblige the planters, who reap the whole benefit of the place, to be (as in other plantations) at the whole charge of the same. We have consulted our engineer, Mr. Richards, who lately came from Newfoundland, and agree as to the advantage of perfecting the fortifications already made and of raising two more batteries. We annex an estimate of the same amounting to £1,075, and as this is an extraordinary charge we hope that this work may not proceed until the Treasury has made a particular allotment for the same, for, as you are aware, the money allowed to us by Parliament will not with the utmost care meet the unavoidable expenses of our office. *Signed, H. Goodricke, C. Musgrave, Jon. Charleton, Ja. Lowther, Wm. Boulter. Here follows an estimate of the cost of materials and tools for building breastworks at the entrance of St. John's Harbour. Total, £1,075 17s. 2d. The whole, 2½ pp. Copy. Endorsed, Recd. 6, Read 8 May, 1698. [Board of Trade. Newfoundland, 3. No. 108; and 25. pp. 213-215.]*

May 3.

419. The Attorney and Solicitor-General to Council of Trade and Plantations. On perusal of the representations of the East India Company enclosed (No. 383) we are of opinion that the suggestions therein contained are not ground sufficient to lay any embargo or issue any process to stop the ship Buckhurst from proceeding on her intended voyage. But you may acquaint the persons concerned therewith, and desire them to give you satisfaction as to the allegations therein. *Signed, Tho. Trevor, Jo. Hawles. ½ p. Endorsed, Read 12 May, 1698. Annexed,*

419. i. Copy of the East India Company's letter of April 20 and its enclosure. 3¼ pp. [*Board of Trade. Plantations General, 4. Nos. 112, 112 i.; and 34. p. 282.*]

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May 3.
Whitehall.

420. William Popple to Sir Henry Ashurst. Urging him to solicit the Attorney and Solicitor-General to give their opinion on certain Acts of Massachusetts which have been before them since September, 1696, as it is not right that those Acts should be kept so long in suspense. [*Board of Trade*. New England, 36. p. 372.]

May 3.

421. Minutes of Council of Barbados. Ordered that the wines purchased for the new Governor be disposed of, not being good, and others purchased, and that all petitions now lying before the Council be despatched at next sitting. Resolved that Mr. Edwards be summoned to attend with his proposals at next meeting. Order for the hire of a house and for the issue of writs for holding General Sessions. Order for the Committee of Accounts to meet for the settlement of the Treasurer's accounts. Mr. Sharpe's commission and papers held over for further consideration. Resolved that the disposal of the £800 remitted home to buy servants be submitted to the consideration of the Assembly at its next sitting. Order for the Naval Officer to attend next meeting and explain why he had not sent in his quarterly accounts. [*Board of Trade*. Barbados, 65. pp. 346-348.]

May 3.

422. Minutes of Council of Maryland. The Governor asked several masters of ships their opinion as to preventing the desertion of seamen, who suggested a reward for the apprehension of runaways and severe penalties on those that harboured them, but said that the chief refuge of runaways was Pennsylvania. The Governor promised to lay their proposals before the Assembly and report them to the Council of Trade. An order to be sent to the head of the Bay to prevent sailors passing into Pennsylvania. An information was heard against George Jackson that he had declared that he would not acknowledge the present Government. Sheriffs appointed.

May 4.

A Collector's Accounts and shipping-lists sworn to. Order for seizure of George Jackson's books and papers. Information heard against Gerard Slye, that he had declared that the Governor had intercepted several letters not addressed to him. A letter from Gerard Slye speaking ill of the Governor was also read, and order was given for his arrest. Information was given as to a letter addressed to the Governor which had been broken open. Warrant signed for Slye's arrest. [*Board of Trade*. Maryland, 13. pp. 478-487.]

May 4.
Newport.

423. Address of the Colony of Rhode Island to the King. We have received a packet from the Council of Trade of 26 October, 1697, with orders to proclaim peace between France and England, which we have duly done. Your royal letter of 22 April, 1697, reached us on 12 January, 1697-8, drawing attention to abuses in the plantation trade due in part to the remissness of governors. Your Royal admonition shall meet with a filial obedience. The Duke of Shrewsbury's letter of 25 September, 1697, with your commands against pirates, has also been received, and we have issued a proclamation to enforce them. Since your favour has preserved to us our ancient rights and privileges we beg you to secure us from any endeavours against the same and to entertain

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no information against us to our prejudice till we have had the opportunity to reply. We cannot forget the bountiful expressions used towards us by King Charles II. in the sixteenth year of his reign. We must inform you that during the late war several privateers came in and petitioned for a trial of their prizes, upon which the Assembly for their encouragement judged it expedient to erect a Court of Admiralty (there being none under your immediate Commission) and therefore erected the Governor and Council into such a Court, who acted accordingly. But being ignorant of the laws provided in such cases and having no instructions from you or from the Admiralty, we could only act according to the best of our knowledge. We beg your pardon for our failure herein, and shall pray unceasingly for your prosperity. *Signed, Sam. Cranston, Govr. Two closely written pages. [America and West Indies. 561. No. 44.]*

May 4.
Cockpit.

424. William Popple to the Attorney and Solicitor-General. Having laid before the Council of Trade the report on certain Acts of Massachusetts, I am to remind you of others of earlier date upon which you have not yet reported. I also send Acts of Antigua and Montserrat for your opinions; some of them appear to be duplicates of Acts already in your hands. *Here follows, a list of seventeen Acts of Antigua from 12 March, 1697, to 4 February, 1698, and one Act of Montserrat. [Board of Trade. Leeward Islands, 45. pp. 177-180.]*

May 5.
Cockpit.

425. William Popple to Mr. Harris. Asking for a description of the seals that he has cut for Bermuda and New Hampshire, in order that a warrant may be prepared to send with them.

Here follows, Abstract of the answer of Mr. Harris, to the effect that both seals were engraved with the King's arms, garter, supporters, motto and crown, with the inscriptions, Sigil: Insular: Nostra: de Bermud: in Americ. for Bermuda; and Sigill: Provinciæ Nostræ Nov: Hamptoniæ in Americ: [Board of Trade. Plantations General, 34. p. 281.]

May 5.
Cockpit.

426. William Popple to Sir John Fleet, Governor of the East India Company. I forward copy of the opinion of the Attorney and Solicitor-General as to the ship Buckhurst (*see No. 419*). The Council of Trade on observing this opinion refer it to the East India Company to offer anything further that they have or can procure more material. *[Board of Trade. Plantations General, 34. p. 283.]*

May 5.
Cockpit.

427. Council of Trade and Plantations to the King. Upon the orders received from Mr. Secretary Vernon of 25 April (*No. 399*) we report you as follows. The former method of furnishing your Majesty's ships in the Colonies has been by naval officers, who took upon them that duty in virtue of their office and drew bills for payment thereof. This method being disapproved by the Admiralty (as we have understood) the commanders of ships applied to the merchants in the Colonies, who supplied them with the necessary provisions from time to time upon their drawing bills, until, in consequence of the war, the bills were not met according

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to expectation, either in time or manner of payment, the merchants suffered great loss and disappointment, and the credit of the commanders was impaired. We would suggest that Agents be appointed by the Admiralty in the several Colonies and be furnished by them with sufficient credit for the supply of your ships of war. As to Captain Aldred's complaint, the President and Council of Barbados have informed us, in a letter dated 12 January, that the credit of the King's ships in the Colonies had been lost by the disappointments before mentioned, and that they had been obliged to pledge their private credit to fit out the Newcastle and the Bideford. The occasion of further supplies for the Essex happening about a month later, it is probable that neither the same persons nor any others were then willing to engage their credit any further until they were satisfied that their former bills had been paid. We therefore recommend again either that Agents be stationed by the Admiralty in the Colonies with credit to buy the necessary provisions, or that such stores be sent and lodged from time to time in the Colonies under the inspection of an officer appointed by the Admiralty for that service. *Signed, J. Bridgewater, Ph. Meadows, Wm. Blathwayt, Abr. Hill. [Board of Trade. Barbados, 44. pp. 189-193.]*

May 5. **428.** Minutes of Council and Assembly of Nevis. The Assembly assented to a proposal of the Council to procure more *lignum vite* for gun-carriages, and the Council to a proposal of the Assembly for the Agents' accounts to be delivered to the Treasurer. [*Board of Trade. Leeward Islands, 64. p. 469.*]

May 5. **429.** Minutes of Council and Assembly of Antigua. In compliance with a message from the Assembly, the Governor signed the certificate of seven Acts lately sent home, also several orders, and swore in two new members of the Assembly. Long address from the Assembly complaining of the extortion of excessive fees, of vexatious enforcement of regulations by naval officers, of heavy taxation, and particularly of the burden of supporting the King's soldiers. Answer of the Governor that the extorter of excessive fees and the offending naval officer should be brought to trial, but that it would be a hardship to the soldiers not to renew the Act for granting them quarters. Orders for payments. Order for John Lucas to give £5,000 bail to take his trial at the next Grand Sessions. [*Board of Trade. Leeward Islands, 64. pp. 255-260.*]

May 6. **430.** Council of Trade and Plantations to Mr. Secretary Cockpit. Vernon. We have already answered one of the enquiries in your letter of 25th ult., and now inform you that we believe the question of provisions for Newfoundland to be already settled with the Victualling Board. As to the return of the soldiers from thence, since the convoys are not to come home direct, we recommend that the Admiralty be instructed to order the Commander-in-Chief of the convoys to agree with any of the fishing-ships there that are bound homeward direct for the passage of the soldiers aforesaid. *Signed, J. Bridgewater, Ph. Meadows, Abr. Hill. [Board of Trade. Newfoundland, 25. pp. 211-212.]*

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May 6.

431. Memorial of Edward Walrond to Council of Trade and Plantations. Governor Codrington, being resident at St. Christophers when the King's letters arrived to give an account of Mons. Pointis's squadron, a Council of War was convened by order of Lieutenant-General Thomas Hill at Antigua, when it was thought expedient to open the packet at once, though the Governor was absent. The purport of the packet was that the Governor should prepare to defend himself in case of an attack on the Leeward Islands. The packet also contained directions that he should not fail to order the inhabitants wholly to desert the French part of St. Christophers and discourage settlement thereon; but instead thereof the Governor inveighed against the impudence of the Council of War in opening packets addressed to him, and did what in him lay to suppress the knowledge thereof from the inhabitants thereof, threatening Major Joseph Crispe for divulging the same, Major Crispe having received an account from Mr. Blathwayt as to the orders given respecting the French part of the Island. Nevertheless Major Crispe discovered the contents of his letters to the intent that the inhabitants might no longer be deceived nor wholly ruined by the Governor's repeated abuses. Lieutenant-General Hill in particular has since discontinued the improvement of his plantation in the French ground. Major Crispe's testimony will confirm the truth of this, but all that I have said is confirmed by several who were of the Council of War when the packet was read. The Governor has drawn off some of the inhabitants of the northern plantations for the settlement of St. Christophers, as also some planters from Barbados, by giving them warrants for land on the French ground. He has even given warrants for the same land to three or four persons, so that by his deception they have spent their time and substance fruitlessly in improving land which is now restored to the French. He gave the late Governor Francis Russell a warrant for the plantation of Madame Salinave, whose husband had deserved well of the English. The King ordered everything to be restored to her, but the Governor granted away her plantation as aforesaid, hoping to benefit himself by the friendship of Governor Russell's family. Governor Russell discovered this a little before his death and resented it accordingly. Could a greater indignity be offered to one of Governor Russell's quality? This general disobedience to the King's orders is supposed to arise from Governor Codrington's insatiable avarice, for he has no fewer than sixteen coppers in two several works in St. Christophers, with which he makes a vast quantity of sugar of which he sends the greatest part to St. Thomas's and Curacoa, to the diminution of the King's revenues. When Captain Frederick Weighman, now dead, commanded H.M.S. ship Colchester, the Governor gave him orders (which orders I have seen, in the hands of Weighman's nephew) to take Captain John Perrie to St. Thomas with letters of importance to the Governor. Captain Weighman at first refused, but on receiving second orders he sailed as bidden to St. Thomas's when Perrie put on board the Colchester several negroes which he had purchased from the Bradenburgher's factory for the use of Governor Codrington and others. The negroes were accordingly transported in the Colchester

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to St. Christopher's, and having the flux and malignant fever infected the crew, so that many of them besides Captain Weighman and other officers died.

About four years ago James Weatherhill of Antigua, commander of the privateer sloop *Charles* of Jamaica, took a Spanish merchantman of great value. It is credibly reported that several Spaniards were killed in defending their ship against these pirates, and those who survived were inhumanly abused. Happening to discourse with our Lieutenant-Governor, John Yeamans, I mentioned that I had heard that Captain Julius of H.M.S. *Jersey* and John Perrie, now Provost Marshal of the Leeward Islands, went down in a little sloop (which Julius commanded) to a Spanish town where Weatherhill was lying with his prize, that there Julius had traded with the pirate, and that I wondered why Governor Codrington had not prosecuted Weatherhill for piracy and Julius and Perrie for trading with them. Mr. Yeamans replied that he had advised the Governor to prosecute them and that he drew a general warrant for their apprehension, which Governor Codrington promised should be executed. But he never did so, and instead thereof afterwards preferred Julius to the command of H.M.S. *Chester*, though he had sworn in the company of Lady Stapleton and others that Julius should be hanged. He even refused to eat some bacon which Julius had bought of Weatherhill. I had this account from Mrs. Katharine Fenton, who was present, but is now dead. Lady Stapleton, who is in England, could doubtless confirm it. When Weatherhill committed this piracy John Perrie kept a tavern in St. Johns, Antigua; and Perrie harboured Weatherhill in his house until Perrie could assure him that he might safely appear. Weatherhill has since been so impudent as to bring on his own trial at the Grand Sessions, at the same time as when Robert Arthur was tried, but the Court would not permit Weatherhill's trial to be brought on. Perrie was shortly afterwards promoted from his tavern to Governor Codrington's service. This incestuous person has married his own brother's widow, for which he was prosecuted by the Assembly of Antigua, but the proceedings were obstructed by Governor Codrington. Perrie is his prime vizier who manages the most important affairs of this high and mighty sultan, as well in relation to civil authority as to secret trade with foreigners. If such actions correspond with the character which the Council and Assembly of Antigua have given to Governor Codrington, with intent to invalidate my statements as to Captain Arthur, then vice triumphant is esteemed virtue, but their partiality is explained by their combining with him to trade with the French during the war, for which see John Clarke's deposition annexed. Colonel Rowland Williams admitted that he was concerned in the ship bought by Martyn and Roe at Martinique, and Edward Byam acknowledged that he had received excise for the brandy which they bought at Martinique. The foregoing will shew you how faithfully the King's interest has been promoted by those entrusted with the Government here. These and many other abominable practices of Governor Codrington have induced me to prefer all my complaints against him. I have had frequent solicitations from his favourites to dissuade me from proceeding therein, but I have not gone with

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the multitude to flatter a man whose will is law, though I have suffered much since I had my difference with Governor Codrington, but I had rather forego all I possess than submit to arbitrary power. I expect great opposition in the undertaking, but am comforted to think that my judges are men of honour and integrity. *Signed*, Edward Walrond. 5½ pp. *Endorsed*, Recd. 6 May, 1698. *Annexed*,

431. 1. Memorial of Edward Walrond to Council of Trade and Plantations. I herewith lay before you depositions taken before the Superior Court of Barbados, as also others taken before Colonel Holt on H.M.S. Newcastle. I could not take them in the Leeward Islands, General Codrington having risen to that height of arbitrary power that the subordinate magistrates are deterred from any duty which thwarts his unjust practices. I procured the depositions at Barbados with difficulty, Mr. Robert Blake, an Irish papist and favourite of Governor Codrington, having been sent by him with a letter to President Bond. Having made private application to the President he was permitted to obviate in open Council what I offered against Governor Codrington, alleging that it was illegal and unreasonable that depositions should be taken against him in his absence and when he could not cross-examine the deponents. The major part of the Council rejected Mr. Blake's defence, since my matters were so immediate for the King's service, but others gave me great discouragement and would have referred the taking of the depositions to two justices if they had not been overruled by the rest. These few gentlemen met, and in the absence of the Council passed an order that the seal of the island should not be affixed to the depositions, by which you may understand their partiality for Governor Codrington; but I hope that the unjust usage which I have received from a part of the Barbados Council will not be imputed to the whole. The deposition of the Spanish Doctor will show that Governor Codrington has not only failed in his duty and allegiance but has violated the law of nations. There are some particulars in reference to the illegal trading of Samuel Martyn and John Roe which require explanation. When Major Samuel Martyn returned from Martinique in the flag of truce he came to anchor at night in St. John's Harbour, Antigua, to have the opportunity of landing the goods purchased from the enemy unseen. But Captain Fisher of H.M.S. Jersey, having some intimation of his design, went on board the ship, and searching her found brandy and other French goods, for which he seized her. The discovery was so apparent that the ship was libelled and both ship and cargo confiscated, much to Governor Codrington's dissatisfaction and that of his Council; and to keep Captain Fisher from further mischief the Governor presently sent him to Barbados

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with bills of exchange for a large sum of money to pay Holt's regiment, but the bills were not accepted. The true intent of sending the Jersey to Barbados was that Captain Roe (who had been left at Martinique to fit the ship and brigantine) should bring those vessels to Antigua while the man-of-war was absent, which was accordingly done. Martyn and Roe were never prosecuted for their trading with the French, and the reason plainly is that the Governor and Council are their brothers in crime. I hope the King will now have leisure to rectify these miscarriages which, owing to the war, have gone on so long unpunished. Had I been at Antigua when the Governor received your account of my complaints against him, I am assured by my friends that he would have stopped my mouth. His threats drove me to Barbados, from whence I am now come to England in H.M.S. Newcastle. *Unsigned. 2½ pp. Endorsed, Presented by Mr. Edw. Walrond.*

431. II. Petition of Edward Walrond to the President and Council of Barbados. Asking that certain depositions may be sealed with the island seal before them in Council.

Order of the Council of Barbados for the parties named to attend Council next morning. *Dated, 8 Dec., 1697. Originals. 1½ pp.*

431. III. Petition of Edward Walrond to the Council of Barbados. Asking again for the island seal to be affixed to his depositions. *24 Jan., 1697-8. ½ p.*
431. IV. Letter from John Clark to Mr. Fitzgerald, Barbados, *22 April, 1697.* On parting from this island I unfortunately met with a ship of London, on which I shipped a considerable cargo for Maryland, but owing to this vessel not being ballasted we could not keep our course. Before we left the convoy he pretended a leak, but the master would not send for a carpenter from the man-of-war just ahead to repair it. I believe she was considerably insured upon his owners. Thus it happened that I was taken into Martinique. This would have been to my advantage but for Major Samuel Martyn and Captain John Roe of Antigua, the two greatest villains I ever met with. Two days after my arrival in Martinique I bought a vessel called the Fortune, of Dublin, and drew bills on Barbados. The master, with whom I was taken, and some of his men helped to rig her, and we wanted nothing to complete us for sailing but three hands, whom we were expecting hourly, when Martyn and Roe came into Martinique, under notion of a flag of truce, but in reality to buy this vessel, of which they had heard. They had brought ready money with them to buy the vessel as well as to buy wine, brandy and soap, which they did. As I was in possession of the vessel and her pass, they were obliged to discourse with me, and we agreed that I should have one half share,

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they advancing the money and I to reimburse them. This was our verbal agreement, but when the money came to be paid Martyn would have me resign another quarter part, saying that it was on Governor Codrington's account, and that he could not answer it him at his return unless he was concerned, having his money in his hands. Finding myself in a strait I consented that Governor Codrington should have a quarter part and kept only a quarter for myself, upon which the money was paid, after which Martyn and Roe said that the fourth part was for Captain Samuel Home and others, so that they circumvented me of one-fourth part of the vessel without any profit in Martinique. We now awaited the condemnation of the ship which I got in my name, as the pass was, and on the back-side assigned one half to Roe according to our first agreement. We then sailed to Antigua, where we found that freight was 18s. *per* hundred for sugar to London, where I hoped to be in a little time, but was frustrated by Martyn, Roe and their adherents, who would not fit her out, alleging that as they had paid for her in Martinique they would have the benefit of their bargain. But knowing that all her papers were in my name they thought it convenient to act another part of their villainy in order to gain them. For this purpose they got out a warrant of arrest against me, knowing that as a stranger I should find it difficult to get security, and that if I gave it, it would cost me much time and expense before it came to a trial, there being no Courts open. I was advised for the present to keep out of the way, which I did, and soon afterwards I fell ill of the distemper, which turned into fever and ague of which I could not get rid for over four months. After my recovery Captain O'Bryan came to my lodging and I agreed with him for a quarter part of his ship for 377 pieces-of-eight, and to make the bargain secure he brought two witnesses. He then left Antigua for three months, and when he returned told me that he was off his bargain, and bade me take my course for damages. This was unexpected, but I understood that it was part of the design of the other knaves, who furnished an account of disbursements of over £170 on the ship, without date or signature. I took the affidavits of John and George Gamble, the two witnesses to my agreement with O'Bryan, before Governor Codrington, who seemed displeased thereat, and to avenge himself caused the warrant of arrest to be executed on me. I was kept that night at the bailiff's house and next day was brought before him in Council, when they ordered that I should be kept in St. James's fort until by law discharged. I saw now that having to do with judge and party, I must hazard my life if I went to the fort, which is three miles from the town, with no plantation near it, the muntross [? matross]

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houses not tenable, an infinite number of mosquitos, no sustenance except from the town, each message to the town costing a piece-of-eight—and this to continue, for aught I knew, for my life, for by Act of the country no Courts were allowed during the war. I could only escape this by resigning my title to the ship, which I did, reserving the certificate of my first agreement for purchase of the ship and the master's confession of her being prize to the French. The condemnation I gave to them, though they had a copy of it before by sending a flag of truce, which is done every month or five weeks at farthest—an excellent way of trading. It was Samuel Martyn's brother who went messenger when the copy of the condemnation was returned. He had some prisoners delivered on board his sloop whom he suffered to run away to a French sloop in Martinique Road, for which misdemeanour he is detained till satisfaction is made. The ship is now at Antigua ready to sail under the name of the Dolphin, John Keir master. If I thought that Solicitor Byrne could gain any advantage against my enemies in Court I would send him copies of my papers. *Signed, John Clark. 3½ pp.* The truth of the letter sworn to before the Council of Barbados. 14 Dec., 1697.

431. v. Deposition of John Clark. A repetition of the essential points given in his letter (*No. iv.*) in almost the same language. Sworn before the President and Council of Barbados. 14 Dec., 1697. *2½ pp.*
431. vi. Certificate of Mons. Pinel of the purchase of the ship *Fortune* of Dublin, first by John Clark for bills, and secondly for ready money by John Clark and John Roe as half owners. *French. 1½ pp.* Sworn to as *No. iii.*
431. vii. Deposition of Henry Walrond. Towards the end of September last a French flag of truce arrived at Antigua from Martinique. I was then a volunteer on board *H.M.S. Jersey*, Captain Edmond Bugdon, then lying in St. John's Harbour. I was ordered to attend the Captain in his pinnace to board and search the flag of truce, when finding a quantity of French wine and brandy on her the Captain seized her and reported as much to Governor Codrington. The Governor ordered him to restore the sloop and goods. The Captain answered that he could not discharge her except by due course of law and asked that she might be brought to trial. I myself saw the letters that passed. Soon afterwards the Governor sent a second order in writing to discharge the ship, which the Captain refused to do, and some days later the Governor came down to St. John's and sent for Captain Bugdon. I was present at the meeting, and heard the Governor say, "Sirrah, I wonder how you can have the impudence to look me in the face after being such a rogue to seize

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"a flag of truce and disobeying my commands." He added that Bugdon was a rascal, saying, "Get you gone and discharge her, or I will take care of you," or words to that effect. Bugdon thereupon left him but refused to discharge the ship. A few days later the Governor sent a message on board the Jersey to summon Captain Bugdon before himself and Council. Captain Watts and Captain Julius were both with him, and I also was present. The Governor commanded Captain Bugdon to discharge the flag of truce, and on his refusal threatened to turn him out of commission. He complained to his Councillors and the two Captains that Bugdon ought to be tried and said that he only awaited the arrival of Captain Simmonds at St. John's in order to try him. He said that the flag of truce should not be tried; and a few days afterwards she was discharged by his order and sailed away. Captain Hartman, late commander of Governor Codrington's sloop Barbuda, taken by the French outside St. Christophers, was a prisoner on board the flag of truce, and informed me that no harm could be done to him for the goods brought down in the flag of truce without doing harm to the Governor, who was concerned in them; for several of the goods in her belonged to the Governor and were bought for him. Sworn as *No. III. 2 pp.*

431. VIII. Deposition of Alonzo de Bonne Maison, doctor of physic. About the month of May, 1695, Don Francisco Morales, commander of a Spanish ship, came to me in St. Christophers and told me that his ship had been lost in Barbuda, but that his crew had been saved, and had by diving brought a great quantity of money and plate, which had been lodged in the Castle of Barbuda, where the Spaniards were allowed to keep it in their own custody in their sleeping room. Shortly afterwards they paid four or five hundred dollars to Captain Nicholson, the Commander at Barbuda, to acquaint the Governor of Antigua of the loss of their ship. Soon after there came orders from Governor Codrington, brought by Captain Perrie on the sloop Barbuda, upon which all the Spaniards were confined, sentries put over them, and the greater part of their plate and money taken from them. They were then embarked on the Barbuda for St. Christophers, and as they went on board Captain Nicholson searched all their chests and took all their money except about two hundred dollars, which Captain Perrie saved as a pretended favour to the Spaniards. Perrie accompanied them to St. Christophers, where I, being sick, sent my wife to intercede with Perrie and the Governor to be more favourable to my countrymen. I relieved them at my own expense, for the Governor afforded them and their commander not one glass of wine in his house, but ordered them to go to one Hartman, commander of the

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Barbuda, by whom they were badly entertained. The Spanish Captain frequently came to me, and told me these things, adding that he had great fear that he and his company would be destroyed. Soon afterwards the Captain sent me a message that he was forbidden to visit me, whereupon I went to visit him at Basseterre, when he said that he was afraid to be seen speaking with me, but that it was proposed to him to have a sloop bought for him to carry him and his company away. Captain Perrie told me that he would help the Spaniards herein and in anything else, out of kindness to me. Wishing to send my son to Curaçoa I bought a ticket for him on the sloop provided for the Spaniards, but Hartman went on board her and forcibly brought him ashore again. About two o'clock in the afternoon the Spaniards sailed from St. Christophers, but after two hours at sea found the sloop to be so leaky that they returned into the road, entering it about eight o'clock. She was fired at by small-arms for some time, and when the sloop was careened the leak was found to be a man's span square. This was mended and they sailed away. Captain Morales told me that when his ship was lost he had on board 13,000 dollars to pay the garrison of Maracaibo besides great quantities of plate for the Governor. Sworn as No. III. 2½ pp.

431. ix. Deposition of Gabriel McCrackan, sailor on board H.M.S. Newcastle. In 1691 I was hired as a sailor at forty-five shillings a month on board Governor Codrington's sloop Barbuda, John Panton commander. I was on her thirteen months, during which I helped to load on her sugar and indigo which was afterwards transported to Curaçoa. During my service on her also I saw sugar and cotton brought to Barbuda by one of Governor Codrington's provision-sloops, which goods were afterwards sold at Curaçoa by Panton. After fifteen months' service in another of his sloops I could get no more money than forty-five shillings from the Governor, who told me that he would pay me if I would prove that he had ever paid anybody. There are others who were on the Barbuda who can testify to the truth of these things. Sworn 10 March, 1697-8, before Colonel Holt.
431. x. Deposition of William Delavall. That in 1693 he saw a fellow-mariner of New England in Falmouth, who told him that he was with Captain James Weatherhill when he took the Spanish ship, and that they seized them to the cable, cut the anchor from the bow and let them all run together. Sworn before Captain George St. Lo, 22 April, 1698.
431. xi. Copies of the complimentary addresses from the Assembly of Antigua to Governor Codrington (*see preceding Vol. No. 1317 vi.*), and of the Governor's thanks. 2 pp. Here follows, A commentary thereon, evidently the work of Edward Walrond, as follows. The doctrine

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of infallibility seems at last to have been discovered by the Council and Assembly of Antigua, and to be centred in Governor Codrington; but I believe that if this Divus Augustus were once removed from temporal power he would be found subject to error. It is no wonder that these gentlemen abandon their allegiance to the King, since they attribute the late peace to the Governor; but Colonel Holt told me that he heard Governor Codrington express great dissatisfaction at the peace, saying that he would be £20,000 the worse for it. No wonder that he laments the peace, for he must now abandon his possessions in the French part of St. Christophers. The Council and Assembly, moreover, though they express great concern for the Governor, express not the least for the King. If I had not appeared, Arthur's case would never have been brought upon the stage, and now their only subterfuge is to bear me down with their characters of the Governor. They dared not join with the Governor in prosecuting me. *1½ pp.*

431. XII. Letter (unsigned) from Edward Walrond to Council of Trade and Plantations. These papers relate to a flag of truce which was sent from Antigua to Martinique by Governor Codrington, under pretence of fetching English prisoners, but in reality to sell provisions to the French, as appeared after the happy seizure of the flag of truce by Captain Vincent Cutter of H.M.S. Bonaventure. Being ordered with the Newcastle and Sheerness by the Government at Barbados to cruise on the enemy's coast, they accidentally met with her just as she was going into St. Pierre, when they reached her and, finding her to be laden with provisions, made seizure of her. On board the flag of truce, when seized, was Mr. Barry Tankard, who has formerly traded with the French, as is shewn by the deposition of Henry Walrond. The brandy belonging to him in the flag of truce, which was seized by Captain Bugdon, was afterwards put on board the Colchester and carried down to Nevis for Tankard. Then Tankard was intercepted at St. Pierre, as above told, and he went on board the Newcastle and asked the Captain to intercede with Captain Cutter to release the ship, since if she were carried into Barbados, he, Tankard, would be undone. The papers that follow, which have the seal of Barbados affixed, were sent by Governor Codrington for Tankard's defence and used by his counsel, but the depositions taken in Antigua, to Tankard's prejudice, were not sent, though the Council and Assembly of Antigua requested the Governor to send them. Such have been the villainous methods practised in the Leeward Islands during the war, whereby the French were enabled to fit out their privateers and cause infinite loss, besides the exhaustion of our money which has been carried away in every flag of truce to pay for French goods. *1½ pp.*

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431. xiii. Copy of a letter from a gentleman in Antigua to his friend in Barbados, 15 Feb., 1697-8. In my last I told you how Mr. Tankard, sailing in a flag of truce with beef for Martinique, was taken by Captain Cutter. He pretended that he had leave to go to Barbados, but I leave you to judge of that from the proceedings of the Council and Assembly, wherein you will find that the Governor knew nothing of it, and that he, the Council and the Assembly agreed to send evidence against Tankard to Barbados. You will say that it is strange that the proceedings were not sent up, in this case, and indeed it is strange that, after all the Governor's professed ignorance and professed readiness to send evidence against Tankard, he really did give him leave to go to the island. After Tankard's return hither it was found that he had a certificate of his clearing for Barbados, yet before his arrival neither Governor nor Custom-house Officers knew anything of it. George Gamble has behaved like an honest man in being the first to bring this business on the stage and in pushing it so far, but he could not perfect his work for the reasons already given. You will see from what I send you that the country did not let the crime pass unnotified and would not have let it pass unpunished. The ship by which Mr. Walrond had sent home charges against Governor Codrington was taken by a French privateer and carried into St. Thomas. The Governor there sent them to Governor Codrington, who sent them down to the Council and Assembly to vindicate him, but as he would not confirm some of their Acts they refused to consider them and, their time being expired, the Assembly is dissolved. Still it seems that some of Mr. Walrond's letters reached England, for presently after copies of them were received from the Council of Trade, with orders from the Governor to vindicate himself. Thereupon a new Assembly was chosen which has tried to invalidate Walrond's statements, as has also the Council, but I am confident that people will think the house ruinous that needs such props to support it. General Sessions were lately held at St. John's, when, Mr. Walrond not appearing, his recognisance was forfeited, but his counsel appealed to the Council and Assembly and, in case they were not satisfied there, to the King. But I think that matters were not very fairly carried on when Mr. Palmer appeared for the King, and Mr. Crabb, the chief and only evidence against Walrond, sat as one of his judges. *Copy. 2 pp.*

431. xiv. Deposition of Henry Walrond, taken at Barbados. In September or October last a French flag of truce laden with French goods was seized by Captain Bugdon at Antigua. After the seizure Mr. Barry Tankard came and asked me as a favour to intercede with Captain Bugdon to let him take away from the seized ship six

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barrels of brandy for which he had paid, and that he was ready to send to take out the barrels at night, so that no one should know. 1 p.

431. xv. Copies of the Minutes of Council of Antigua, 26 October, 1697. Message from the Assembly to the Council complaining that Barry Tankard has misused a flag of truce to carry provisions to Martinique, and praying for an enquiry. Answer of the Council asking for information that those who have thus offended may be prosecuted. Message from the Assembly giving information, and asking that the crew of the flag of truce may be arrested on their return. Answer of the Council that a warrant has been signed accordingly.

Minutes of the same, 16 December, 1697. Message of the Council to the Assembly. Mr. Barry Tankard has surrendered to take his trial. If you have anything further against him, produce it so that he may be prosecuted.

Minutes of the same, 28 December, 1697. Message from the Assembly to the Council. Tankard's ship is under seizure at Barbados. We think that the evidence of John Moore, Arthur Wharfe and David Rutherford should be sent thither to be used against him. Answer of the Council, that the Governor agrees and will act accordingly. Message of the Assembly, forwarding the depositions and praying that they may be sent to Barbados. $4\frac{1}{2}$ pp.

431. xvi. Warrant of Governor Codrington for the arrest of the sloop Diligence, Robert Knowles master, lately gone with a flag of truce to Martinique. 12 November, 1697. *Copy.* 1 p.

431. xvii. Copies of several documents relating to the case of the sloop Diligence, which were sent to Barbados.

Governor Codrington's certificate of the authenticity of the following documents. 21 December, 1697. $\frac{1}{2}$ p.

Governor Codrington's certificate, that about the beginning of November he sent H.M.S. Colchester to Barbados, and ordered Mr. Barry Tankard, who was bound to Barbados, to call at Martinique on his way so as to pick up some English prisoners to make up the Colchester's complement. 21 December, 1697. 1 p.

Deposition of Captain William Julius, of H.M.S. Colchester. That it was at his proposal that Tankard was sent to Martinique, to fetch prisoners, on her way to Barbados. The said prisoners were to have been transferred to the Colchester at Dominica, and Julius had begged Tankard to give out that he was going back to Antigua, lest the released prisoners, on learning that they were to be shipped on the Colchester, should mutiny and run away with the ship. 21 December, 1697. 1 p.

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Deposition of William Lavington. That Governor Codrington had told him that Tankard's ship would call at Martinique on her way to Barbados. *Same date.* $\frac{1}{2}$ p.

Certificate of the Collector of Customs of Antigua as to the clearing of Robert Knowles's sloop for Barbados; and of Barry Tankard's declaration that she would touch at Martinique on the way. 1 p.

Certificate of the entry of the foregoing certificate of the Collector of Customs. $\frac{1}{2}$ p.

Captain Julius's sailing orders, 6 Nov., 1697. To sail to Barbados, touching at Dominica on the way in order to embark the English prisoners brought by the flag of truce from Martinique. $\frac{1}{2}$ p.

Certificate as to a small quantity of sugar shipped in the sloop Russell. $\frac{1}{2}$ p.

Pass granted by Governor Codrington for Barry Tankard, carrying his flag of truce to Martinique. 6 Nov., 1697. [*Board of Trade.* Leeward Islands, 5. Nos. 81, 811.-XVII.]

May 7. **432.** Minutes of Council of Maryland. Information given as to language used by Lord Baltimore in England, that he expected to be restored to Maryland shortly. [*Board of Trade.* Maryland, 13. pp. 492-494.]

May 8. **433.** Minutes of Council of New York. Oath of secrecy administered to Thomas Weaver and Edward Randolph, they not being members of Council; and the former was appointed King's Counsel and to assist in taking the minutes of Council. The Duke of Shrewsbury's letter concerning pirates read, also Secretary Vernon's letter to Lord Bellomont with the memorial of the East India Company on the same subject; after which Lord Bellomont informed the Council that he desired their advice in relation to certain discoveries that he had made concerning piracy. After dwelling on the evils of piracy at large, he announced that he had received information that Colonel Fletcher had admitted notorious pirates to bring their spoils into New York, receiving considerable rewards for the same, and that Mr. Nicoll had been the broker in making the bargain between them, receiving 800 pieces-of-eight for his services. In confirmation of this the deposition of Edward Taylor was read. Mr. Nicoll was then called in and acknowledged that he had received the money aforesaid, but that he knew no pirates and had not acted as mediator between pirates and the Governor, but believed he was entitled to the said 800 dollars for his pains. He also justified himself by the New York Act as to pirates, to which Mr. Weaver answered that the said Act did not apply to the case. Mr. Weaver then acquainted the Council with the application of Captain Evans, of H.M.S. Richmond, for forty sailors, and with his statement to Lord Bellomont that he would man his ship with pirates. Lord Bellomont was alarmed at this, but Captain Evans said there was no cause for fear, and a few days afterwards he asked for ten sailors, only saying that he had thirty volunteers on board who would pay their passages to England.

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Lord Bellomont being still more alarmed told him to prepare to sail, and that his packets would be ready for him as soon as the ship was ready. Some days afterwards Captain Evans reported that he was ready, and asked leave to drop down to Staten Island and thence to Sandy Hook, where he expected six or eight men to come on board. For all these statements Lord Bellomont offered his oath. He then proceeded to relate that he had ordered Captain Culliford with an armed force on board the Richmond, and had secured Captain Evans in the fort. Captain Evans was then called in, but absolutely denied that he had said that he would man his ship with pirates, and all other speeches attributed to him by Lord Bellomont, saying that he had only said that he could get so many privateers just come in with Captain Alleson from Madagascar. He protested that he knew of no pirates or volunteers (to pay their passage) on board his ship and would not suffer them. He and Mr. Nicoll then withdrew.

The Governor then proposed a proclamation against piracy, to which the Council unanimously assented. He then asked the Council's advice as to the measures to be taken respecting Colonel Fletcher, Mr. Nicoll and Captain Evans; whereupon Mr. Chidley Brooke observed that the giving protection to pirates had not formerly been looked upon as so great a matter, and that all the neighbouring Governments had done it commonly. The Governor answered that Mr. Brooke might think it a peccadillo, but that the King and his ministers regarded it as a high offence; to which Mr. Brooke replied that he did not excuse it, but only stated what had been done. On considering the depositions against Colonel Fletcher the Council agreed unanimously that they should be sealed and sent to the King together with Colonel Fletcher, a prisoner, but that Mr. Nicoll should be tried in the province. The Governor observed that there was such corruption in the Government and such uproar if the law were enforced, that he was for sending both gentlemen home for trial. Mr. Nicoll was then admitted to give security in £5,000 to appear when called upon, and Captain Evans to give his recognizances in £1,000; after which they were released from custody. The Governor then suspended Mr. Nicoll from the Council. [*Board of Trade. New York, 72. pp. 85-91.*]

May 8.
Newport,
Rhode Island

434. Governor Cranston to Council of Trade and Plantations. We have received yours of 9 February, 1696-7, respecting the King's orders concerning the quota. This Colony being a frontier and lying very open to the sea was three times attacked by the French in the late war, so that we could never spare men without endangering the King's interest. Nevertheless, in obedience to the Queen's command, we made to Governor Fletcher a tender of compensation which he positively refused, as we can prove under his hand. Several informations have been forwarded to you that Rhode Island is a place where pirates are entertained. Thus it is said that William Mayes, a pirate fitted out at Rhode Island, and that Thomas Jones was concerned in the old bark with Captain Want. These things have been misrepresented to you. We have never countenanced such proceedings, and we are sure that William Mayes had his clearance here for Madagascar and a commission from this Government to fight the French. By the best information that we

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have Captain Every plundered him, and we very much suspect has destroyed him and his company, for none of them are returned and there is no news of any one of them. As to Captain Want we do not know the man and have never seen his ship. William Mayes is the only man commissioned by this Government who has been to the south of the Cape of Good Hope. On the receipt of your letter requiring strict suppression of pirates we at once issued a proclamation for the apprehension of all persons suspected of piracy; see copy thereof and of an Act of Assembly enclosed. We have also seized two men, Robert Munday and George Cutler, and their moneys, and though they assert that they have never gone beyond Madagascar we hope to find out the truth and bring them to trial. *Signed, Sam. Cranston. 1½ pp. Endorsed, Recd. Read 12 Sept., 1698. Enclosed,*

434. i. Act of the General Assembly of Rhode Island for apprehension of all suspected pirates. 4 May, 1698. *Copy. 1 p.*

434. ii. A proclamation for the suppression of piracy and apprehension of pirates. *Copy. 1 p. [Board of Trade. Proprieties, 2. Nos. 17, 17 l.-ii.; and (without enclosures) 25. pp. 224-227.]*

May 9.

435. Minutes of Council of Maryland. Order for Slye to be bound over to take his trial at next Provincial Court. Lord Baltimore's Agent and Sir Thomas Lawrence reported their agreement as to fees in the Land Office. The Governor ordered Colonel Darnall, the said Agent, not to spread rumours of Lord Baltimore's restoration. Order for disposition of arms and ammunition, and for the militia-officers not to take too frequent musters in view of the prevalent sickness. Edward Lloyd appointed Colonel of the militia of Talbot County. The Governor gave orders for the parish authorities to visit sick persons in remote districts and to bury the dead, offering to pay the expense of burial himself if they thought the burden too great for them. Order for the proceedings against Philip Clarke in the Provincial Court to be publicly read at the various County Courts. Sir Thomas Laurence approved as the Colony's Agent in England. Order for the state of the Colony to be represented to the King, and that the Sheriffs take charge of several birds and wild creatures, intended for the King, till they can be shipped to London. The Assembly to be prorogued to the 20th July. Order for a proclamation concerning the alleged restoration of Lord Baltimore, to quiet the minds of the people. [*Board of Trade. Maryland, 13. pp. 487-492.*]

May 9.

436. William Popple to Sir Henry Ashurst. The Solicitor-General's clerk came to me the other day and told me that the Acts of Massachusetts, sent to him in September, 1696, were not to be found, but that he believed that they might have been mixed up with those of the Leeward Islands and given to Mr. Richard Cary. Mr. Cary, however, tells me that he certainly received none such, and I have been obliged to report the matter to the Council of Trade, who have ordered me to acquaint you with it to take what measures you think best for searching for the Acts. [*Board of Trade. New England, 36. p. 375.*]

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437. Mr. Secretary Vernon to Council of Trade and Plantations. The King has instructed the Admiralty to order the Commander of the Newfoundland squadron to agree with the masters of the ships going under his convoy at the best rates he can for the passage of the soldiers and officers of the train from thence.

Memorandum of the above letter. Recd. Read 10 May, 1698.
 $\frac{1}{4}$ p. [Board of Trade. Newfoundland, 25. p. 217; and 3. No. 109.]

May 9.
Victualling
Office.

438. The Victualling Board to William Popple. Pursuant to orders we have laden the provisions for Newfoundland in the ship John of London. We enclose a copy of the account, in which you will see that the bare provisions, considering what is saved by sending malt instead of beer, amounts to only £2 11s. 6d. above sixpence *per man per diem*. The whole charge, including cask and other expenses, amounts to £727 17s. 9d., and we shall apply for that sum to the Treasury. Though as yet we have received nothing towards it, we thought it our duty to despatch the provisions. Signed, Tho. Papillon, Hum. Ayles, John Burrington.
 $\frac{1}{2}$ p. Endorsed, Recd. Read 10 May, 1698. Enclosed,

438. i. Account of provisions for 61 men for 364 days on short allowance. Victualling Office, 7 May, 1698. 1 p.
[Board of Trade. Newfoundland, 3. Nos. 110, 110 i.; and 3. pp. 218-220.]

May 9.

439. Journal of Council of Trade and Plantations. Draft letter to Mr. Crips approved and sent.

The Secretary reported that he had heard from the Solicitor-General that some of the Acts of Massachusetts, sent to him, could not be found. Order for Sir Henry Ashurst to be informed.

Draft Act for trial of pirates, as amended, read; and a representation thereupon ordered.

Letter from the Board of Ordnance of 3 May as to Newfoundland read (No. 418), and orders given for the Secretary to reply to Mr. Pulteney thereupon.

Mr. Edward Walrond's papers relating to Governor Codrington read.

May 10.

Mr. Berry presented a bill for £13 4s. 0d. for maps supplied to the Board. Order for the Secretary to give him a malt-ticket for ten pounds and the rest in money. The Secretary acquainting the Board that he was already out of purse for its service, he was directed to try to sell some more of the malt-tickets, and acquaint the Board at what price it may be done.

Mr. Secretary Vernon's letter of yesterday as to Newfoundland read (No. 437).

Order for the Secretary to write again to the Hudson's Bay Company for the information required of them.

Mr. Crips attending said that he had never had any of the papers for which he had been asked, but had some belonging to the royal fishery of 1662-3 and would bring them.

Letter from the Victualling Office of yesterday read (No. 438), and orders given to the Secretary to reply thereto this day (No. 441).

- 1698.
- May 11. Memorial of the Hudson's Bay Company received (*No.* 449), and order given for a representation to be drawn thereupon.
- May 12. Representations as to Hudson's Bay and as to the draft Act for trial of pirates signed (*Nos.* 447, 450).
- May 13. Letter from the Victualling Board of 11th inst. read (*No.* 443), and an answer written to Mr. Secretary Vernon thereupon (*No.* 456).
Order in Council of 12th inst. on Mr. Grey's petition read (*No.* 452); and a representation ordered to be drawn thereupon.
Letter from the President and Council of Barbados of 2 March received. [*Board of Trade. Journal*, 11. *pp.* 53-62.]
- May 10. **440.** William Popple to John Pulteney. I am to thank you for the report of the Board of Ordnance (*see No.* 418) as to Newfoundland, and am to acquaint you (for the prevention of mistakes) that there are no planters nor any manner of Government in that Island as there are in other Plantations, the trade thither being only by fishing-ships, and a few poor fishermen on the shore who cannot contribute anything towards the things now proposed for defence of the place. [*Board of Trade. Newfoundland*, 25. *p.* 216.]
- May 10. **441.** William Popple to the Victualling Board. I am to thank you for yours of 9th inst., and to acquaint you that the Council of Trade would have been glad to have understood that a store-keeper had gone out in charge of the provisions to Newfoundland, for the Commander-in-Chief, to whom they are consigned, is to return home, and none will be left there but inferior officers unfit for that business. I am also to ask what is the proportion *per diem* of each several sort of provisions mentioned in your foresaid account for one man at short allowance. [*Board of Trade. Newfoundland*, 25. *pp.* 220-221.]
- May 10. **442.** Minutes of Council of Barbados. Mr. Edwards appeared and spoke on the subject of the fortifications. Order for the commissioners of fortifications to survey the defences in company with Mr. Edwards, and report what shall be done. [*Board of Trade. Barbados*, 65. *p.* 348.]
- May 11. **443.** The Victualling Board to William Popple. With reference to yours of yesterday we received no orders to send a store-keeper, but we suppose that the officers and soldiers, whose concern it is, may choose one whom they will trust. We enclose an account how the provisions are allotted on whole and on short allowance. *Signed*, Tho. Papillon, Simon Mayne, Hum. Ayles, J. Burrington. $\frac{1}{2}$ *p.* *Endorsed*, Recd. 11, Read 13 May, 1698.
Enclosed,
443. I. Account of the manner of allotting provisions. Whole allowance for one man for seven days is 7*lb.* of biscuit, 7 gallons of beer, 4*lb.* of beef, 2*lb.* of pork, 1 quart of pease, 3 pints of oatmeal, $\frac{3}{4}$ *lb.* of butter, 1 $\frac{1}{2}$ *lb.* of cheese. Messes for whole allowance are counted to be four men, messes on short allowance six men. Short allowance given to each man on Mondays and Thursdays, 1 $\frac{1}{2}$ *lb.* of bread, 1 $\frac{1}{2}$ gallons of beer, 5 $\frac{1}{2}$ *lbs.* of

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beef for the two days; Sundays and Tuesdays, $1\frac{1}{2}$ lb. of bread, $1\frac{1}{2}$ gallons of beer, $1\frac{1}{2}$ lb. of beef, $1\frac{1}{2}$ pint of pease for the two days; Wednesdays, Fridays and Saturdays, 2 lb. of bread, 2 gallons of beer, 2 pints of oatmeal, 4 oz. of butter, 8 oz. of cheese for the three days. 1 p. [Board of Trade. Newfoundland, 3. Nos. 111, 111 r.; and (without enclosure), 25. p. 221.]

May 11.
New
Providence.

444. John Graves to Council of Trade and Plantations. I enclose a list of all that came in here in the ship Fancy. On our arrival on 19 July, 1697, there were not above seven in the Island and mostly married. They had scattered themselves to several parts. Some had a trial, some none. The late Governor Trott got considerable out of them (*sic*); particulars I cannot certify, but it is reported at least £7,000. This Governor has fleeced those he found here and gives them another instrument of writing for a pardon. This is the substance of what I can learn as to Avery [Every]; if I learn more I will inform you. Signed, John Graves. $\frac{1}{2}$ p. Endorsed, Recd. Read 18 July, 1698.

444. 1. List of the people who gave security in the Secretary's Office after their arrival at New Providence in the ship Fancy, Captain Bridgeman *alias* Avery. 93 names, the vast majority English. 1 p. [Board of Trade. Proprieties, 2. Nos. 18, 18 r.]

May 11.

445. Unsigned letter to the Council of Trade and Plantations. I have arrived here [*place not stated*] safely. This poor Government, whose whole dependence lies in salt and braziletta wood, is much prejudiced by the peace, and the people are very miserable, for in time of war fifty or sixty vessels used to load with salt at 2s. 9d. *per* bushel. Now here our salt lies raked, and we should be glad to sell it for $4\frac{1}{2}$ d. to all ships sailing for it to Salt Tortudas. Braziletta, which was £6 a ton, is now fifty shillings. Since my arrival some persons, finding that I would not countenance illegal trade, have insinuated to the people that my seizures of ships guilty of these practices is oppressive. The first ship that I seized was the Supply, one James Berry, a Scotchman, master. He was, however, advised to abscond and to give out that his mate was master (as was proved in Court). She was bound to New England but driven in here by stress of weather. I did my best to enforce the law, but the jury after long delay and much brawling found against the King, chiefly owing to the insinuations already mentioned and to one Thomas Walker, a pretender to the law here. Under motion for arrest of judgment she was brought to a second trial, at which I was present for a time and informed them that Scotchmen were debarred from trading as English subjects. Yet in spite of this and of the Attorney-General's explanation of the law, the same persons prevailed with the jury to acquit the ship. The enclosed will shew what their tricks and artifices were. The next ship came from Curaçoa, and, though we proved that she took in her loading there, yet Walker would fain have persuaded the jury that she came from Jamaica and that the French (who had captured, but released her) had kept the master's pass. In this case I stayed in the Court throughout and the ship was condemned. After these

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seizures Walker and others made much noise and have procured several hands to an address setting forth their grievances. Two-thirds of the subscribers are illiterate, and the Chief Judge refused to sign it and rated the people for their folly and falsehood. I have sent it and my answer to the Lords Proprietors. *Unsigned, but endorsed*, Supposed from Captain Webb, Governor of the Bahama Islands. $1\frac{1}{2}$ pp. *Enclosed*.

445. 1. Article in an address directed against the Governor, upon the seizure of two vessels. This sets forth that vessels driven in by stress of weather have been arbitrarily maltreated, and prays, among other things, that the trials of such ships may be in a Court of Record and not of Admiralty.

Answer of the Governor, that he was bound by law and his instructions to act as he did. $1\frac{1}{2}$ pp. [*Board of Trade*. Proprieties, 2. Nos. 19, 191.]

[May 12.] 446. Draft of a bill for the more easy and speedy trial of pirates. This contains some slight alterations from the previous bill (No. 358) in that it requires a certain proportion instead a bare majority of the Court to find a prisoner guilty before he can be executed. Aiders and abettors of pirates are liable to trial and execution under the Act of 28 Henry VIII. 6 pp. *Endorsed*, Read 12 May, 1698. [*Board of Trade*. Plantations General, 4. No. 113; and 34. pp. 285-293.]

May 12.
Whitehall.

447. Council of Trade and Plantations to the King. We send the annexed draft of a bill for trial of pirates (*see preceding abstract*) which we think will meet the requirements stated in Mr. Vernon's letter of 28 March (No. 327). We must add that though the last paragraph seems very effectual towards the discovery of piracies, yet being doubtful whether it may not be thought too severe and liable to objections which might endanger the passing of the whole, we submit whether it might not be advisable to reserve that paragraph for another opportunity. *Signed*, J. Bridgewater, Ph. Meadows, Will. Blathwayt, Abr. Hill. [*Board of Trade*. Plantations General, 34. pp. 284-285.]

May 12.] 448. Memorandum of the receipt of a memorial from the Hudson's Bay Company in answer to that of the French (*see No. 398*) respecting the capitulation of Fort Bourbon. *See next abstract*. [*Board of Trade*. Hudson's Bay, 2. No. 18.]

[May 12.] 449. Memorial of the Hudson's Bay Company. It seems very strange that a memorial of such a nature as that submitted to us (*see No. 398*) should be delivered at this time, for by the 8th Article of the Peace of Ryswick it was stipulated that within three months of the date of ratification, Commissioners from both sides should meet in London to adjust this and other questions; but the French Commissioners have never made their appearance. It is not agreeable to the Treaty to proceed upon any particular branch of the 8th Article, nor, we conceive, can there be any regular proceedings therein until the Commissioners meet. Nevertheless we offer the following observations on the memorial. We admit

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that Fort Bourbon (formerly York Fort) was surrendered for capitulation by M. de la Forest to Captain Allen, but we say that this capitulation was made by Captain Allen contrary to his instructions, and of this M. de la Forest was aware. As to ill-treatment of the prisoners, M. de la Forest's own statement disproves any such thing. It is true that M. de la Forest was afterwards brought from Plymouth to London, but under only nominal restraint and for accomplishment of his own designs, as is seen by the actions of one Nelson who at first joined zealously with him, but afterwards pressed for his continuance in England under his seeming confinement. So slight was that confinement that M. de la Forest and one of his companions frequently appeared at the Exchange and came before the Council, with a freedom never allowed to English prisoners in France. They made use of this to ascertain the preparations of the Hudson's Bay Company, and on their information the French sent a greater force to Hudson's Bay last year than ever before, took several ships and also York Fort. This same fort was surrendered to M. d'Iberville in 1694 on a capitulation which (as has been proved) was violated, and on this account the King granted to us the goods (only a small part of those taken from us) which were in the fort when recaptured by the English in 1696. When the fort was again captured by the French in 1697, many of these goods passed again into their hands. The value of those recovered by the Company may be ascertained from the Custom-house books, and will be seen to be much less than is alleged in the memorial. It is impossible for us to restore these goods in kind, for they are already disposed of, the Company, owing to its losses through the French, being obliged to dispose of them as speedily as possible. All this we are prepared to prove before the Commissioners who shall be appointed in pursuance of the Treaty, and until they are appointed we submit that nothing further can be done. [*Board of Trade. Hudson's Bay, 3. pp. 50-54.*]

May 12.

450. Council of Trade and Plantations to the King. We enclose the answer (*see preceding abstract*) which we have received from the Hudson's Bay Company to the memorial sent by Secretary Vernon (*No. 398*). The 8th Article of the Peace of Ryswick stipulates that Commissioners shall define the rights of each Crown in Hudson's Bay, that the places taken by the French in the peace preceding the war and retaken by the English during the war shall be left to the French, that the capitulation of Fort Bourbon shall be observed and the goods in question therein restored, and that any differences as to the execution of the capitulation and as to the value of the goods shall be settled by the Commissioners aforesaid. No such exchange of forts as that indicated in the article has taken place, and no Commissioners have been appointed by the French. It cannot in equity be expected that the Company shall restore the value of the goods in question until the Commissioners meet, and we think that for a due compliance with the Treaty the appointment and meeting of the Commissioners is before all things necessary. *Signed, J. Bridgewater, E. Tankerville, Ph. Meadows, Wm. Blathwayt, Abr. Hill.* [*Board of Trade. Hudson's Bay, 3. pp. 47-49.*]

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May 12.
New York.

451. Edward Randolph to William Popple. Though far distant I have not forgotten my promise made at Parton's, St. Paul's Churchyard, to give an account of the success of the proclamation for the arrest of Every's men, but first I must remind you that I gave in a memorial (of which others have copies) to the Committee of the House of Lords, saying that so long as the Bahamas, Carolina, Pennsylvania, the two Jerseys, Connecticut and Rhode Island, remained separate governments and independent of the Crown, it was impossible to suppress piracy. The owners of these tracts of land, expecting great advantages, do not allow their Governors enough to support them honourably in their stations, which puts them upon indirect means to get a better maintenance. Besides, they generally appoint persons of slender fortunes with an indifferent stock of honesty. Mr. Trott at Providence stopped a Dutch vessel and got a deal of money by her before he would let her go, besides what he made by Every and his company. Colonel Ludwell and Seth Sothell, one of the Proprietors of Carolina, about 1692, enriched themselves by James Miller, a Scotchman, and some of his company, who shared £1,000 a man at Charleston and soon after went to Pennsylvania, where they paid Mr. Markham for his favour and protection. They are settled inhabitants there to this day: see the paper enclosed. I am heartily disposed to Governor Nicholson. He is really zealous to suppress piracy and illegal trade and was formerly very severe to those who were even suspected of countenancing pirates, so that not one of Every's men came to Maryland. I had not heard of any in Virginia, but at Philadelphia I saw Stephen [? Peter] Claus, one of them, living within twenty rods of the Governor's house, and another of them married to his daughter. I enclose a paper containing the narrative of Captain Snead, with whom Sir John Houblon corresponds, also an information of Mr. Henry Robinson, Lord Romney's agent to receive the King's share of prizes brought into the Colonies, also copy of the examination of two of Every's men, who were living in Philadelphia, though the Governor had received the King's Circular ordering them to be arrested. I saw them walking about the streets of Philadelphia for three weeks after my stay. But Lord Bellomont kept all close until he heard that a vessel from the Red Sea had landed her goods in Connecticut, when he ordered Captain Culliford to seize both her and a Dutch ship from Madagascar. In a little time about forty pirates had stolen into New York. I saw Edward Taylor walking about the town, but he was soon afterwards arrested and imprisoned with two or three more of the gang, upon which the rest fled to Connecticut and East Jersey, where Lord Bellomont cannot seize them. The Governors of those places live sixty or seventy miles up in the country. Not only are they annually elected by the people, but they are afraid to meddle with anyone lest the people that live by the seaside and get money for concealing prohibited goods should choose another Governor for the next year. Lord Bellomont has highly displeased the trading men in New York, who have all along encouraged privateers. But this will only make them move their trade to Amboy, which is nearer to Sandy Hook than New York, so that it

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is absolutely necessary for the Jerseys and all the other Proprieties to be just under the King's immediate authority. I am going to Providence and Carolina, where several of Every's men and other pirates are said to be settled. The first frigate appointed to transport me is driven ashore, otherwise I should be able under my commission to manage them wherever I met them. It will be a reproach to the Government if, after all that the King has gained by his victories, Mr. Penn should so far prevail with persons of honour as to set up little commonwealths in the King's dominions abroad which are of different principles from him. *Signed, W. Randolph.*

2 pp. *Inscribed with a short abstract. Enclosed,*

451. 1. Narrative of Captain Robert Snead. At the latter end of April, 1697, copy of a Proclamation of the Lords Justices for the apprehension of Henry Every *alias* Bridgeman and his crew came to my hand. Knowing that several of these pirates were in Philadelphia, I went to the Governor, told him that I had seen the proclamation (of which I had heard that he also had seen a copy) and informed him that Robert Clinton and Edmond Lassells of Every's crew were then in Philadelphia. He said that he had not seen it (which I can prove to be false), whereupon I offered to shew it to him. He said that it was not directed to him so that he was not bound to take notice of it, nor to examine from whence men came so long as they brought money with them. I answered that I thought it was directed to him, and that it would be for Mr. Penn's service and his own to put it in execution, for it would soon become known that the pirates were here. He said that the Houlblons ought to have written to him. I said that no doubt they would have, had they known that the pirates were here. Being very intimate with him I told him that I saw plainly that there was an understanding between him and the pirates, and that none were so blind as those that would not see. He admitted that the pirates had been civil to him, but that they brought in money, which was an advantage to the country. I asked him how I could be discharged from my oath as a magistrate if I took no notice of the proclamation. He was very angry, and upon that I left him. His wife and daughter (as I was afterwards told) heard what passed between us, and warned Robert Clinton of it, who immediately told the rest of the pirates. They were so impudent as to call me informer as I passed in the streets. I went again to the Governor, acquainted him of their insolence, and told him of my suspicion that some of his family had warned them. His wife and daughter, who were in the room, then said that they did hear our discourse, and that I deserved to be called informer. I then told him that private discourses held in his house ought not to be divulged in public. His answer was that he gave me no thanks for it. I then told him that I was resolved to apprehend the

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pirates, and that I would not be forsworn to oblige him. I went at once to two of my fellow-justices, Edward Shippen and Anthony Maurice, who seemed well pleased to assist me, but while I discoursed with Shippen, Maurice (whose kinswoman was married to Claus) went to the Governor, and when he returned refused to act, but upon my threatening to complain of him at Whitehall consented to join us. I then caused Lassells, Clinton and Claus to be seized and brought before us, when, upon examination, it was evident that they had all belonged to Every's ship. I was for committing them to close prison, but Maurice and Shippen were for bailing them. I then sent for the Attorney-General, who told them that pirates were not bailable, but nevertheless they took bail, one pirate being bound for another, in spite of my protests. On the 15th of May, having evidence that the pirates had a design to be gone, I again arrested them. One James Brown (who married the Governor's daughter), confessed that Clinton, Lassells and Claus were of Every's ship and shared in the plunder, wherefore we ordered the Attorney-General to write the *mittimus* to commit them to close imprisonment. But soon after they were at liberty and went to their own houses. Hearing that there were other pirates in the town I issued my warrant for their apprehension, but the Governor, hearing of it, sent for me and told me that I had no business to send my warrants against one without first acquainting him, adding that the men whom I had committed would be brought to speedy trial, but asking to know what I had against the men, as they should not be kept in prison for my pleasure. I replied that the King's evidence was ready as soon as a legal court should be appointed, but refused to say what I had to prove against them. He called me rascal and dared me to issue my warrants against these men, saying that he had a good mind to commit me. I told him that were he not Governor I would not endure such language, and that it was hard to be so treated for doing my duty. He then ordered the constables not to serve any more of my warrants; moreover being greatly incensed he wrote a warrant with his own hand to the Sheriff to disarm me. I lived five miles out of town, and being often threatened by the pirates, was armed for my own defence. The under-sheriff accordingly took my sword and pistols from me in Philadelphia, leaving me to ride home unarmed, and kept them till the pirates were gone. The Governor then called the Council and asked them to consider of a Court for trial of these men, to which they answered that they knew of no means to try them and would not be concerned in it, but would be at the charge of sending them home in one of the King's frigates. He said that he did not want their advice for

1698.

that, and dismissed them, seemingly displeased. At length the Proclamation was delivered to Governor Markham by Governor Nicholson's order. Immediately after it arrived the under-sheriff was seen to go from the Governor's house to the prison and walk with the pirates for a considerable time. Hearing that the Governor had received the Proclamation I went to the Sheriff and told him that if his prison was not strong enough to hold the pirates I would order a watch to guard them. He said that he could do well without it, but Clinton and Lassells escaped that night, though the others continued in gaol. Next day the proclamation was published, but a little time afterwards the remaining pirates were released without bail, and Clinton and Lassells were afterwards seen about the town. I desired the Governor to issue a warrant for their apprehension, but nothing was done. 3 pp.

451. II. Information of Thomas Robinson. On 16 June I came to Philadelphia, and shewed Governor Markham my patent from Lord Romney in relation to prizes, told him that I had heard that Robert Clinton and Edmund Lassells were of Every's crew, that the gaol was insufficient to keep them and that I wished them to be better secured. He said that they should be so that night. Next morning my landlord told me that these two men had escaped. I waited on the Governor and complained of this, but was answered that he was not sheriff nor gaoler and that the county ought to be fined for letting the gaol be insufficient. On that same day or next I went down to the gaol and saw where a board of about fourteen inches by ten had been ripped off, but could not believe that men of their bulk could have crept through such a place, especially Clinton, who was a very fat gross man. On the morning after their escape the Governor raised the hue and cry and offered £5 reward for their apprehension. In the afternoon, one Hannah Witt came to me and Mr. Francis Jones, before whom she had made oath that she had seen both Clinton and Lassells in some bushes near the centre of the town, Clinton being armed with musket, pistols and sword. The Sheriff told the woman he was sure she must have been mistaken, but I went to the Governor and asked for his special warrant to apprehend them. He answered that he knew not what business I had with a warrant and that I need not trouble myself, but presently consented to sign a warrant if I would write it, which I did, addressing it to the Sheriff and leaving blanks for him to fill up with names. The Sheriff, however, absolutely refused to fill up the warrant and refused to go with it unless I went with him, so the warrant was unexecuted and the prisoners made further escape. There were warrants for the arrest of other pirates, but they were seen in

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the streets of Philadelphia without any notice being taken, and one of the Justices, Edward Shippen, confessed to me that he was in the company of one of them.

On the 19th of June, one John Mathias surrendered to me as one of Every's crew. On the 21st he was brought before the Governor and confessed that he was one of the sixteen men taken by Every from the two ships captured by him at Isle de Prince, that from thence they sailed to the Red Sea, where they captured two ships, that Clinton was Every's Chief Lieutenant and Lassells some sort of officer. He said that he knew of no other pirates in Philadelphia, and that he had received no share of plunder, but only what they gave him for mending their clothes, etc. He added that there was a rumour of a Carolina sloop there to carry off the pirates, that the Governor had made him enter into £2,000 bond to the contrary, but that it was suspected that the captain, being an old privateer, had carried off Clinton and Lassells with him. *2½ pp.*

451. III. Examination of Peter Claus and James Brown. *Already abstracted (see No. 404 II.).*

451. IV. Proclamation of Governor William Markham, of Pennsylvania, for the suppression and punishment of piracy, 12 February, 1697-8. *Copy. Endorsed by Edward Randolph:—I was in Philadelphia on 10 March last, when I saw several pirates walking about the streets, also Claus, one of Every's men. The Governor had received the circular letter and Proclamation for arrest of Every and his men. Large sheet. [Board of Trade. Plantations General, 4. Nos. 114, 114I.-IV.]*

May 12.
Kensington.

452. Order of the King in Council. Referring a petition of Governor Ralph Grey to Council of Trade and Plantations. *Signed, Wm. Bridgeman. ½ p. Endorsed, Recd. Read 13 May, 1698. Annexed,*

452. I. Petition of Governor Ralph Grey to the King. The ships appointed to transport me to Barbados have not been paid off till very lately, and have been a long while detained, to my great charge and expense. I beg your permission to accept the first present that shall be made to me on my arrival in Barbados, without sending to England for leave, as was granted to Governor Russell in the like case. *1 p. [Board of Trade. Barbados, 7. Nos. 65, 65 I.; and 44. pp. 194-196.]*

May 12.

453. Minutes of Council of Maryland. Order for Colonel Addison to report as to the positions of the Rangers. On information that Edward Dorsey was about to convey away his estate in order to defeat his bond in contracting to build the church and free school, order was given to refuse to record such conveyance, and to ask Mr. Dorsey as to the truth of the information. Order for arrest of Robert Mason and for seizure of his books and papers. Contract for completion of the State-house approved. A letter from

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the Commissioners of Customs respecting the ship Fisher was referred to the Attorney-General. An answer to the petition of the Pennsylvania merchants was agreed to, to the effect that the Maryland duty of 10 *per cent.* on the re-export of European commodities is of less hindrance to such re-export than Mr. Penn's encouragement of German manufacturers in Pennsylvania. Another letter from the Commissioners of Customs as to a ship was referred to George Muschamp. The Justices of the Provincial Court made a report approving the Governor's proceedings against Gerard Slye. A letter of denization was referred to the Attorney-General for examination.

May 13.

Robert Smith, Richard Hill and Thomas Tasker called to the Council. Order for putting several navigation bonds in suit. A letter of Gerard Slye, making grave reflections on the Governor, was read. Order for the Naval Officers to give security. An address to the King and a letter to the Council of Trade were read and approved, and Richard Hill was ordered to attend the Council of Trade in case of Sir Thomas Laurence's illness. A letter from the clergy to the Bishop of London read and approved. Order for payment of three bills of exchange which were protested at New York, and for prosecution of the security for the said bills. Order for commissions to be prepared for officers of an Admiralty Court for Talbot County. A day of fasting and humiliation appointed on account of the prevailing sickness. Address to the King for an increase of the Council read and approved. A proclamation concerning pirates read and approved. [*Board of Trade.* Maryland, 13. pp. 495-503.]

May 12.
Boston.

454. John Usher to Council of Trade and Plantations. Pursuant to your orders of 30 November I forwarded the Articles of Peace to Captain Nathaniel Fryer, President of the Council in New Hampshire. I should have gone in person but that I judged myself not safe, Partridge having seized the government *vi et armis*, until Lord Bellomont's arrival or your further orders. On the 9th inst. the Indians to eastward killed three persons and carried off several more. I am told that no care is taken for the security of the frontier-places, and fear this summer like the last may be troublesome with the Indians. I have accounts that several pirates from the South Seas have been on the coast of New York and Rhode Island, bringing in gold and East India goods to the value of £200,000. If the proclamations against them and those that harbour them be enforced, I judge that the value of the seizures made would repay the charge that the King has been at in these parts. *Signed*, John Usher. 1 p. *Endorsed*, Recd. 24, Read 27 June, 1698. [*Board of Trade.* New England, 9. No. 20; and 37. pp. 8-9.]

May 12.
Boston.

455. John Usher to William Popple. I have sent the Articles of Peace to Nathaniel Fryer for publication, judging it unsafe for me to go in person. I hope the Lords Justices will not suffer such affronts to be put upon their orders without calling the offenders to account. The Indians are still doing mischief. *Signed*, John Usher. $\frac{1}{2}$ p. [*Board of Trade.* New England, 9. No. 21.]

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May 13.
Cockpit. **456.** Council of Trade and Plantations to Mr. Secretary Vernon. We lately represented to the King the necessity for sending a store-keeper to Newfoundland, and the Victualling Board have already shipped provisions thither without appointing one to take charge of them. We beg for the King's order to the Admiralty that a store-keeper be immediately directed to go aboard the ship on which the provisions are laden, to take care of them, and that the Ordnance Board and Victualling Board agree upon a fit person as store-keeper both of provisions and ordnance stores. *Signed*, Ph. Meadows, Wm. Blathwayt, Abr. Hill. [*Board of Trade*. Newfoundland, 25. p. 222.]
- May 13.
Whitehall. **457.** Council of Trade and Plantations to the King. On Mr. Grey's petition referred to us in your Order of Council of 12th inst. (No. 452 r.) we think that, in consideration of the reasons alleged by him and of the probability that the refusal of his request might disparage his credit and lessen his authority on arriving at Barbados, you may allow him to receive the first present offered to him there by the Assembly without waiting to seek further permission. But, lest this should be drawn into a precedent, we think that you should declare that you will not for the future grant any such leave to receive the first or any other present before application has been made according to the rules already laid down. *Signed*, J. Bridgewater, Ph. Meadows, Wm. Blathwayt, Abr. Hill. [*Board of Trade*. Barbados, 44. pp. 205-207.]
- May 14.
Kensington. **458.** The King to Governor Day. Authorising him to use the new seal provided for Bermuda. *Draft*. 1 p. *Endorsed*, Sent to Mr. Secretary Vernon, 13 May; Received back, 31 May, 1698. [*Board of Trade*. Bermuda, 3. No. 24; and 29. pp. 116-117.]
- May 16. **459.** Minutes of Council of Maryland. Mr. Randolph's letter giving warning of pirates was read; it was ordered that six ships outward bound should meet and sail in company for their better protection. Copy of this order to be sent to the Collectors and Naval Officers. [*Board of Trade*. Maryland, 13. pp. 503-505.]
- May 16.
New York. **460.** Edward Randolph to Council of Trade and Plantations. I have been desired by Mr. Frederick Phillips, one of the most ancient inhabitants of New York and the greatest trader to Albany, and by other merchants trading with the Five Nations, to represent to you that the French have for many years encroached upon the trade and upon the land to southward of their bounds by making settlements at the heads of all the great rivers in the English Plantations from Penobscot to South Carolina, so that, upon any difference between the two Crowns, two or three hundred Frenchmen may come down in small parties and destroy all the inhabitants, who live ten or fifteen miles distant each from his neighbour, especially in Virginia and Maryland where there are no towns. I am well informed that upon a treaty for settlement of the bounds it was agreed that the French should withdraw these settlements at the heads of the rivers and retire within their old bounds. The northward of the Penobscot river has always been considered the dividing line between the English and the French, running from

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thence N.N.W. into the country, by which the beaver-trade (now taken from us by the French) will be secured, and the Five Nations will bring all their peltry to Albany and continue their friendship to us. All Acadia, to the east of Boston, is a very great fishing place, having also abundance of copper, masts, etc. It did belong to the Crown of England, but the French got it from us by a treaty, to the great disadvantage of the Crown. I venture to suggest that upon a treaty to adjust all differences between the two Crowns the articles formerly made between them about the boundaries in these western parts may be agreed upon and settled. *Unsigned. 1 p. Inscribed with a short abstract. Endorsed, Recd. 6 July, Read 4 Oct., 1698. [Board of Trade. Plantations General, 4. No. 115; and 34. pp. 305-307.]*

May 16. **461.** Memorandum of the receipt of the foregoing letter. $\frac{1}{2}$ p. [*Board of Trade. New York, 7. No. 63.*]

May 16. **462.** Extracts of two letters to the Earl of Bellomont. From Lieutenant-Governor Stoughton. Boston, 16 May, 1698. Since my last two or three persons are reported killed by skulking Indians in the eastern parts. I have no particular account as yet. From John Usher. Boston, 11 May, 1698. On the 9th of May a man riding at York near Scotland Garrison was shot at by Indians and wounded in the thigh, but escaped. About twenty Indians were seen, and another party was discovered about a beast that they had killed. Towards evening they killed two or three persons planting in the fields at Spruce Creek, about midway between Piscataqua and York. We remain in a lingering condition, and unless you hasten to our succour I see nothing but ruin. $\frac{1}{2}$ p. *Endorsed, Transmitted in Lord Bellomont's letter to the Secretary of 25 May. Recd. 6 July, 1698. [Board of Trade. New England, 9. No. 22.]*

May 16. **463.** Mr. Secretary Vernon to Council of Trade and Plantations. Upon your representation of 13th inst. (*No. 456*) the King has ordered Lord Romney to consider with the Victualling Board for some fit person to act as store-keeper both for the provisions and the ordnance stores that are ordered to Newfoundland. I hope that this will be done to-morrow. The King consents that there shall be no alteration in the Admiralty passes according to the Treaty with Algiers. *Signed, Ja. Vernon. $\frac{1}{2}$ p. Endorsed, Recd. Read 17 May, 1698. [Board of Trade. Newfoundland, 3. No. 112; and 25. p. 223.]*

May 16. **464.** William Popple to the Attorney and Solicitor-General. Forwarding the Acts passed in Barbados from 18 May to 3 November, 1697, for their opinion. *Here follows a list of thirteen Acts. [Board of Trade. Barbados, 44. pp. 202-205.]*

May 16. **465.** Journal and Council of Trade and Plantations. The Secretary reported that the malt-tickets for £10 would at present yield about £8 apiece; he was ordered to sell the four in his hands. Mr. Walrond's papers perused, and an abstract of them ordered to be made. Ordered further that the papers be communicated to Mr. Richard Cary, and that Mr. Walrond be directed to attend on Wednesday.

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 May 17. Mr. Cary and Mr. Hutcheson having perused Mr. Walrond's papers, desired copies of them. Resolved to defer decision on the request until Mr. Walrond have been spoken with to-morrow.
 Representation on Mr. Grey's petition-signed.
- May 19. Order for copies of Mr. Walrond's papers to be delivered to Mr. Cary and Mr. Hutcheson, he having consented thereto.
 Alexander Hardine presented a petition (*No.* 477), but was answered that the business had been despatched.
 The Acts of Massachusetts of 1696 and 1697 with the Solicitor-General's report of 17th inst. (*No.* 466) were brought in. Order for notice to be given to Sir Henry Ashurst as to the missing Acts of 1695.
 Letters to Jamaica and Mr. Grey signed, and draft letters to the Secretary and Naval Officer of Barbados approved.
- May 20. Mr. Ashurst reported that the Massachusetts Acts of 1695 had been found, and that his father, Sir Henry, would solicit the despatch of them.
 Mr. Secretary Vernon's letter of 19th inst. read (*No.* 478). Order for the Hudson's Bay Company to attend to-morrow.
 Governor Goddard's letter of 14 April last, with several enclosures, received.
- May 21. Mr. Clark and several gentlemen of the Hudson's Bay Company attended, the Lord Privy Seal and Mr. Secretary Vernon being present. The gentlemen gave an account of the state of Hudson's Bay as at present known to them, and a letter to Mr. Secretary Vernon was written thereupon (*No.* 488).
 Order for the Secretary to write to the Secretaries of the Admiralty asking that the Commanders of the men-of-war designed for Newfoundland may report on the state of the country. [*Board of Trade. Journal, 11. pp.* 63-72.]
- May 17. **466.** The Solicitor-General to Council of Trade and Plantations. I have perused the Acts of Massachusetts passed between 27 May and 16 September, 1696. Three of these Acts are to continue certain expiring laws which are not before me, so that I can give no opinion on them. The remainder, including that for incorporating Harvard College, I see no objection to. *Signed, Jo. Hawles. 2½ pp. Endorsed, Recd. Read 19 May, 1698. [Board of Trade. New England, 9. Nos. 23; and 36. pp.* 376-378.]
- May 17. **467.** Minutes of Council of Barbados. Letters of 23 February from the Council of Trade and Mr. Popple read. The Assembly was summoned and requested to make speedy provision for the reception of the new Governor. The Assembly brought up bills for ascertaining the rights of the Assembly and for printing the laws. Petition of Robert Knowles for an appeal to the King in Council from a judgment of the Court of Admiralty, rejected. Letter of the Board of Ordnance recalling Mr. Edwards and Mr. Heberlands read. Orders for sundry payments, including £229 for the embarkation of the late Governor Russell's corpse. [*Board of Trade. Barbados, 65. pp.* 349-351.]

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May 17.

468. Journal of Assembly of Barbados. Two bills sent up to the Council. £300 voted for expenses of the Grand Sessions. Several papers from Mr. Talbot Edwards and a memorial from Mr. Heberlands read, and consideration deferred till to-morrow.

Bill concerning Grand Sessions passed, also two bills empowering two parishes to choose a vestry. Mr. Edwards's papers referred to a Committee. Message to the Council, complaining of being so long kept in ignorance of the preparations for the Governor's reception, but expressing readiness to make provision for him. A Committee appointed to choose a house for the Governor, also a Committee of Correspondence. [*Board of Trade*. Barbados, 65. pp. 290-293.]

May 17.

469. Minutes of Council of New York. The Governor having consulted the Council as to the recommendations to be made to the Assembly, it was resolved that the following subjects should be brought before them:—(1) The debts of the Government. (2) Some provision for healing the differences among the people. (3) A bill to prevent abuses in the election of Representatives. The Governor also proposed the increase of the Representatives from nineteen to thirty, in order to put it out of the power of any future Governor to make a party. Four members appointed to swear in the Representatives.

May 18.

On the petition of Lieutenant Young, which Lieutenant Sydenham was called in to hear, it was resolved that he is entitled to his full pay from the date of his commission.

May 19.

The Representatives attended, pursuant to summons, when the Governor made them a speech (*see* Journal of the House of Representatives, 19 May). The Council expressed their concurrence in the same and returned their thanks to the Governor.

May 20.

The Speaker and Representatives attended, when the Speaker read a speech expressing his intention to allay all animosities and bury all past heats as much as lay in his power, and claimed the usual privileges of his House, which were granted. [*Board of Trade*. New York, 72. pp. 91-98.]

May 18.

470. Minutes of Council of Maryland. Gerard Slye was bound over to take his trial at next Provincial Court. Henry Lowe sworn Sheriff of St. Mary's County. Order for arrest of the Under-Sheriff for his late proceedings as to Robert Mason. The Council of Trade's letter of 23 February, 1698, was read, and a proclamation as to taking service with foreign princes ordered. Order for an extract from the said letters as to trials in the Admiralty Courts of Maryland to be communicated to the law-officers. As to the passage wherein the Council mentions its former references to the state of the laws, the Governor said that he had received no letters containing such references. Mr. Popple's letter of 23 February read, and another letter from the Council of Trade, from which it was inferred that one of their former letters had miscarried. [*Board of Trade*. Maryland, 13. pp. 505-508.]

May 18.

Montserrat.

471. Minutes of General Council of the Leeward Islands. Governor Codrington present. The Assembly refusing to elect a Speaker in the absence of the members from Antigua, the Council

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concurred with the Governor that the members present being a majority had power to elect a Speaker, and dissolved the Assembly. Patent for land passed. The Governor suggested to the Council the expediency of continuing to keep an agent in England, and the Council unanimously agreed. Patent granted for 4,000 acres of land to John Perrie in the island of Spanish Town. [*Board of Trade*. Leeward Islands, 64. pp. 533-534.]

May 18.
New York.

472. Governor the Earl of Bellomont to Council of Trade and Plantations. *May 8.* On the 9th of March I left Barbados, and on the 2nd of April landed at New York and entered upon the Government. By advice of the Council I issued writs for a New Assembly which will meet on the 18th, when I hope methods will be found for quieting and uniting the people, who have been divided by great heats for several years. The first occasion of them was the execution of those who had been most forward in the happy Revolution, and they have since been kept up and aggravated with such industry, that the presumption that I shall be equitable in my administration (or else their own guilt) has made the Council forget their oaths and their duty to the King. None of them have yet applied to inform me of the state of the province, nor have offered me any assistance in that Government, though they know that I am a stranger and am unbiassed by these animosities. Instead of this, constant clubs and cabals of them are daily held at Colonel Fletcher's lodgings, from whence, as I have great reason to believe, false reports are spread about the city and the province, whereby men's minds are disturbed and an odium cast on the Government. Thus the Council by drawing back endeavour to make the Government uneasy to me. I must also with great concern inform you that by the late administration the King's affairs have been so put out of frame that it will cost me much pains to bring them into order, and to support the dignity of the Government and the observance of the laws. The carelessness and corruption of the Customs and Revenue Officers have for some years past been such that though the trade of this place is four times as great as formerly and the city much enlarged, yet the revenue from Customs has decreased by one-half from what it was ten years ago; and the merchants have been so used to unlawful trade that they were almost ready to mutiny on some seizures that I caused to be made (a few days after I landed) on goods imported in an unfree bottom in the ship *Fortune*. It was with the greatest unwillingness and backwardness that the Collector, Mr. Chidley Brooke, made the seizure, who told me that it was not his business but the man-of-war's, that he had no boat, and other excuses. When I gave him positive orders which he could not avoid, yet by delaying four days he gave the ship an opportunity wholly to unload a rich cargo worth £20,000. I am told that several other ships have violated the Acts of Trade since my landing, which I could not prevent. I shall take the speediest measures for enforcing those Acts by suspending careless or corrupt officers, but I shall have little assistance from the Council, because they are most of them merchants and several of them concerned in breach of these laws; and I see by their carriage and their

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resentment of the seizure above mentioned that the discharge of my duty has given them an unaccustomed disturbance. However, I shall not be discouraged, but shall forthwith suspend several of them from the Council and try to find persons in their places who will be readier to assist me in enforcing the law. I send you the names of six persons of the best note for reputation and estates from which to fill the vacancies. This city has likewise been a nest of pirates, and I already find that several of their ships have been (and now are) out, are owned and were fitted out in this port and received commissions from the late Governor here. But I have reported on this more fully elsewhere. Since my arrival I have received many complaints of the maladministration of the late Governor, but I had no authority to call him to account. There is a great cry that Colonel Fletcher has embezzled and converted to his own use large sums of money, and I found that he intended for England before the meeting of the Assembly; wherefore to quiet the people and give him an opportunity to reply, I commissioned fit persons to receive, state and audit all the public accounts of this Government. Since, however, the proofs and vouchers of his accounts would delay his voyage to England in the Richmond, and also out of respect to the commission that he lately held, I have accepted his security to answer for all public moneys which will be found to have been irregularly disposed of by him, and I hope have thereby quieted people's minds somewhat. There is a great trade managed between this place and Madagascar from whence great quantities of East India goods are brought, which are certainly purchased from pirates. I do not know what to do herein, and beg for your directions. This practice is set up in order that the spoils taken by the pirates (set out from New York) may be brought here in merchant-ships whose owners are also owners and interested in the pirates' ships. One in particular, Captain Moston of the Fortune (now under seizure), although an unfree bottom, had Colonel Fletcher's commission as a privateer, and, as if protected thereby, did publicly load here for Madagascar and return with East India goods, supposed to be partly the produce of the cargo and partly pirates' goods, which were landed and concealed, all but the last boats. It was so contrived that the Fortune with Colonel Fletcher's commission was sent from here to Madagascar at the same time that the ships of Hore and Glover (two notorious pirates) were there, both of them also with Colonel Fletcher's commission. I find too that no Naval Officer was appointed by Colonel Fletcher to check the Collector, but both offices were discharged by Mr. Chidley Brooke, how faithfully I shall by next conveyance inform you. No care was taken for any register of ships in New York, but since my arrival I have appointed a distinct Naval Officer and a Register according to the intent of the Act of Parliament. The neglect of it has been of ill influence to trade, for many merchant-ships will be seized in other ports for not having certificates from the Register. Similar neglect in other governments has occasioned the seizing of several ships here, to remedy which, the Surveyor-General, Mr. Randolph, and the Collector, Mr. Brooke, have agreed, with consent of the Council, that security be given to the value of the ships for the production of certificates within a certain time, and that on this

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condition the ships may proceed on their voyages. I hope that you will approve this as preventing frauds on the King and yet not hindering trade.

I have ordered Colonel Romer, the King's engineer, to survey all the fortifications of this Government, and shall myself visit Albany within a month and order such new fortifications as are necessary to secure the province in case of war or invasion. I have given orders for the numbering of the inhabitants, and of the Five Nations, who are half destroyed by this war. I have appointed to meet the latter at Albany to renew their friendship, which was almost lost, four out of the five nations having agreed on a peace with the French before our peace was proclaimed. I find the forces in pay here in a miserable condition, not half the number of the establishment, almost starved, and full of complaints against the hardships they suffered before my arrival. I shall examine them all, remedy them as I can, and report to you. I presume that you will consider seriously the fact that the Government of the Jerseys has obtained leave to make two ports for trade in this Government. This will destroy the trade of New York city and province, which have established laws for customs whereby a considerable revenue is raised for support of Government. But if the Jerseys are allowed to load and unload ships free from such impositions, all merchants will resort thither, being but twenty miles distant, which will be the ruin of New York, the bulwark and defence of the neighbouring provinces. The law that imposes the customs here expires next year, and I fear that it will be difficult to revive it, as the people will be unwilling to put a clog on their trade from which the Jerseys are free. Thus a revenue worth £6,000 or £7,000 will be lost, and there will be nothing left to support the Government. I would not permit proclamations to be printed in this city declaring Perth Amboy and Burlington to be free ports, until I had reported the matter to you. I am assured that the Assembly at its meeting will fully represent its fatal inconveniences to the King. I have sent the proclamation and articles of peace to the Governors of Canada and Montreal, together with nineteen French prisoners. This had been neglected until I arrived, and I am informed that those Governors had received no notice nor orders therein from France. I enclose a printed collection of the laws and sundry proclamations, also copies of my letters to the Treasury, Admiralty and Commissioners of Customs. *Signed*, Bellomont. *Postscript*. 18 May. I have just received copy of an address or certificate which Governor Fletcher has procured, declaring his justice, good government, the current of the laws and the increase of trade, which he designs for absolving him from the complaints against him. I have yet no list of the subscribers, but I hear that many of the Council and inhabitants of the city have signed it, being the very persons concerned. They have grown rich together with him by fitting out pirate-ships and trading with Madagascar, Scotland and Curaçoa. Being instruments of his maladministration, they now justify him and thank him for that which will probably be censured by the King. By next conveyance I shall send you depositions of the subscribers which will contradict the certificate; which it is supposed that their guilt involved with that of Colonel Fletcher

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induced them to sign. $4\frac{1}{2}$ pp. *Endorsed*, Recd. Read 6 July, 1698. *Entered in Board of Trade*. New York, 52. pp. 312-320. *Enclosed*,

472. i. Proclamation of Lord Bellomont on his assumption of the Government, confirming all officers in their places. 2 April, 1698. *Printed*. 1 p. *Endorsed*, Recd. 6 July, 1698.

472. ii. Proclamation of the same against swearing, Sabbath-breaking and immorality at large. 2 April, 1698. *Printed*. 1 p. *Same endorsement*.

472. iii. Proclamation of the same against illegal practices in the election of Representatives. 2 April, 1698. 1 p. *Printed*. *Same endorsement*.

472. iv. Speech of Lord Bellomont to the Representatives of New York on the opening of the Assembly. 19 May, 1698. 3 pp. *Printed*. *Same endorsement*.

472. v. Copy of an Address to Colonel Fletcher from certain inhabitants of New York. Thanking him for the growth and prosperity of the city and province in spite of the expenses and hardships of the war. As the Royal bounty has contributed greatly to the rise and defence of the Province, so its flourishing state, the free current of the laws, the regular distribution of justice, the just and native freedom, must be attributed to Colonel Fletcher's prudent management and faithful discharge of duty. They hope that he may enjoy the favour of King and that God will reward his piety and justice. 1 p. *Same endorsement*.

472. vi. List of persons qualified to be of the Council. Colonel Abraham Depeyster, Philip French, Dr. Samuel Staats, Robert Livingston, William Beeckman, Adolphus Phillips. *Signed*, Bellomont. 28 May, 1698. *Scrap*. *Same endorsement*. [*Board of Trade*. New York, 7. Nos. 64, 641.-vi.]

May 18.
New York.

473. Governor the Earl of Bellomont to Council of Trade and Plantations. May 8. Pursuant to the King's orders I have made strict enquiry as to pirates and the late Governor's dealings with them. I find that the pirates who have given the greatest disturbance in the Red Sea and the East Indies have either been fitted from New York or from Rhode Island, and manned at New York. The ships commanded by Mason, Tew, Glover and Hore had their commissions from the Governor of New York, the last three from Colonel Fletcher; and although these commissions (which are on record here) appear to be given only against the King's enemies, yet it was known to all the inhabitants of the city that the ships were bound to the Red Sea and the East Indies, the fact being openly declared by the commanders so as to enable them to raise men and proceed on their voyage quickly. So notoriously public was it that it was generally believed that they had assurance of protection from Colonel Fletcher if they would bring back their spoil to New York, and this will appear plainly from the protection that he did give them and the rewards that he received from them

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at their return. It is also clear that Tew, Glover and Hore received commissions from him when they had no ship within the Government of New York, and that they were permitted to raise men in New York with the open design of being bound to the Red Sea. Captain Tew, who had before been a notorious pirate, on his return from the East Indies with great riches visited New York, where, although a man of infamous character, he was received and caressed by Governor Fletcher, dined and supped often with him, and appeared with him publicly in his coach. They also exchanged presents, such as gold watches, with each other. All this is known to most of this city, and on this Colonel Fletcher gave him his commission. Mason's ship returned under the command of one Coates about 1693, and the crew having shared the booty were encouraged in this province and received protection from Colonel Fletcher. See the deposition of one Burgess enclosed. The deposition of Edward Taylor, another of the pirates, will shew you the bargain made by him, on behalf of the ship's crew, with Colonel Fletcher and Mr. William Nicoll of the Council, as also the rewards that they were to have and did receive from the said Taylor and his company. I have promised to intercede for pardons to these two men, or I should not have obtained their evidence, so I beg that they may have the benefit of my promise. I believe it to be less criminal in men of their loose principles to act such things than in a Government to give them encouragement and impunity. For his favour to this crew Colonel Fletcher received their ship, which he sold to Colonel Heathcote for £800, as well as private presents which are reported to have been made to his wife and daughter and his rewards for particular protection, which I find were commonly rated at 100 dollars a man. Besides this there were gratifications to his broker, William Nicoll, and other small rewards to his clerk, Daniel Honan, as the deposition shews. I have also discovered that protections were publicly exposed for sale at the above rates to pirates that were of other companies, and I have already gained the originals, of which I send copies. Hereby you will see Colonel Fletcher's art to get money, and how far he was from suspecting or prosecuting these pirates when their guilt made them buy the protection which the law gives to honest men, and to which honest men had a right without purchase. It is indeed suggested that Colonel Fletcher took bond from the protected pirates not to leave the province without licence, but I am informed that several of them had licence, though whether they were only colourable securities from men of invisible substance or what their nature was I cannot learn, for the bonds are not deposited in New York, nor can I find that any of the pirates or their bonds were ever prosecuted. I find only that the last mentioned protections were purchased and no bonds given for them. I find also that Colonel Bayard of the Council was Colonel Fletcher's broker in procuring them, and you will see by the enclosed depositions what reward they obtained and what the manner of their bartering was.

I have also the information of one Rayner, said to be one of Every's crew, who landed at the east end of Nassau Island with a treasure valued at £1,500. He and his chest of money were seized by the Sheriff, but on application to Colonel Fletcher and the giving

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(as is believed) of a considerable reward, both were discharged. Soon afterwards he purchased land in this province, but fled on the publication of the proclamation against Every's men. Two men, Emott and Weekes, were his brokers. I enclose Emott's deposition, also that of the sheriff, Josiah Hobart, and of Weekes, who was Rayner's friend. I have heard also of several other protections purchased from Colonel Fletcher, but I am assured that no pirate was prosecuted during his term of office, and although James Graham, the Attorney-General, is a man of known ability and great integrity to the King's service, yet Colonel Fletcher has transacted this whole business of protecting the pirates without consulting him. I find indeed that to colour his advantages from pirates, Colonel Fletcher overawed or amused the Council into an order that Coates's ship and crew should be permitted to come into New York in order to claim the benefit of a New York Act. I enclose copies of the Council's order and of the Act, which latter shews that the pirates were entitled to no benefit under it; yet they were admitted, protected and never prosecuted. I have further information that five sail, supposed to be pirates, were seen hovering round the coast since my arrival, and that one of them landed some men in the Jerseys to ask who was Governor here. On learning that I was come they departed, not daring to come to this Government, so that my coming is reputed to have caused Colonel Fletcher great loss. On their proofs I summoned the Council on the 8th of May, communicated my instructions as to pirates and the evidence affecting Colonel Fletcher and Mr. Nicoll, on which the Council expressed abhorrence of their practices, and agreed with me that the evidence should be authenticated and Colonel Fletcher sent home a prisoner. Mr. Nicoll they thought should be made to answer for his offence here, believing that he had no estate at home and that it would ruin him to send him away from his affairs here. He is, moreover, related by marriage to several of them, so I found them somewhat tender of him. I was myself inclined to think that, being involved in guilt with Colonel Fletcher, he ought to be sent home with him, but I was prevailed upon to accept £2,000 security for his appearance to answer the charge and meanwhile to suspend him from the Council. The Council also agreed with me that a proclamation should be issued against pirates, so that this Government should not be blamed for the neglect of the last. I must beg you to submit to the King's consideration the case of the pirates who have surrendered themselves and received protections from Colonel Fletcher. I have not proceeded against them, since I could not violate the protections, being an act of public faith, without the King's orders. While reporting the suspension of Mr. Nicoll, I must add that he is a man of good sense and knowledge in the law, but that he has been a great contriver and instrument of corrupt and unjust practices under the late Governor. Further proofs of this will be sent to you as they come to my hands. Moreover, in spite of the Council's resolution, I have not presumed to deal harshly with Colonel Fletcher, who so lately held the King's commission, but send home only the proofs, so that you may be apprised of the matter, and satisfied of my zeal for the King's service. *Signed, Bellomont. Postscript. 18 May. Since*

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closing the foregoing I had an opportunity to surprise and take a considerable number of pirates expected on board H.M.S. Richmond. You will gather my measures from my letter to the Admiralty and its enclosures, and although they were not as successful as I had hoped, nothing more could be done. I have discovered the record of the pirates' commissions and of the bonds that they gave to Colonel Fletcher when he granted them commissions; and they appear to be so fraudulent that it is a proof that he was apprised of their design of piracy. Thus Thomas Tew's and John Hore's commissions are signed by Colonel Fletcher and countersigned by his private secretary, Daniel Honan, but their bonds to him are signed by Coates, a notorious pirate, and John Feny (a Popish tailor of this city and a beggar) and by the above-named Daniel Honan. These bonds were left in Honan's custody, who about three months before my arrival blotted out his name and tore off his seal from them. I received them thus defaced, but have ascertained from the witnesses that the bonds were signed and sealed by Honan. I refer it to the King's consideration how far Colonel Fletcher is answerable for taking such Knights' of the Posts security for these men, who have since been the worst of pirates. Without doubt he is answerable for the trust of his private secretary, who was bound with them and has since defaced the bonds. I send copies of letters to me from the Duke of Shrewsbury and Secretary Vernon, ordering me to enquire as to Colonel Fletcher's relations with pirates, also the memorial of the East India Company which occasioned them, and a printed copy of our proceedings in Council, which I was forced to publish in order to confute several scandalous stories that had been spread about by ill men. *Signed*, Bellomont. 4 pp. *Endorsed*, Reed. Read 6 July, 1698. *Entered in Board of Trade*. New York, 52. pp. 323-337. *Enclosed*,

473. I. Certificate of the authenticity of the documents enclosed. 25 May, 1698. *Seal gone*. *Parchment*. 1 p.

473. II. Deposition of Samuel Burgess. 3 May, 1698. I was one of the crew of the ship Jacob, Captain William Mason, which was fitted out as a privateer at New York with a commission from Jacob Leisler, and sailed to Madagascar. There I left her, but I heard from the crew that she went on that September to the East Indies. In April she returned to Madagascar, where I went on board again, and we sailed to the Red Sea, where we took three ships and returned to Madagascar in September. We shared eighteen hundred dollars a man. About the beginning of next April we came to the east end of Long Island, Edward Coates being then captain, when Edmund Taylor was sent ashore to procure leave from the Governor for the ship to come in to New York. After five days' absence he returned, bringing permission; and we anchored about five miles from New York City. Here I and the rest of the company left her, but fifty-five men had joined her in Long Island and ten where we lay at

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anchor, each of the last having protections from Colonel Fletcher. The ship was shortly afterwards given to him. William Nicoll came on board of her while at anchor. The sailors made a collection which they gave to the captain to prevent their being put to trouble, some giving seventy, some a hundred dollars, but I do not know what was done with it. I gave Mr. Honan two gold sequins for Governor Fletcher's protection. I afterwards saw several of the crew in the town of New York. *Copy.* 1½ pp.

473. iii. Deposition of Edward Taylor. 7 May, 1698. Confirming the foregoing deposition. On going ashore to obtain leave for that pirate-ship to come into New York, he sought out William Nicoll, who went with him to Governor Fletcher, whom he acquainted with the facts of the voyage. He promised £700 to Fletcher and Nicoll if the ships might be brought in and protections given to the crew, which they engaged to do. Nicoll returned with the deponent to Long Island. The promise of £700 could not be fulfilled because the crew had dispersed, so the owners made the Governor a present of the ship. The crew also collected £200 afterwards as a present to Nicoll. *Copy.* 1½ pp.
473. iv., v., vi. Copies of protections granted by Governor Fletcher to two men, one of them of the ship Jacob. 15 April, 1693, 24 May, 1694.
473. vii. Deposition of Leonard Lewis. My brother, who had sailed with the pirate Tew in the Red Sea, asked for my advice how he should escape trouble on that account. I went to Mr. Nicholas Bayard, of the Council, who advised me to go to Governor Fletcher; upon which I asked him to apply to him on my behalf, when he answered that a protection could not be obtained for less than 100 dollars. I replied that my brother was poor, and offered 75 dollars, which Colonel Bayard took, saying that he would try what he could do. He afterwards delivered me the protection signed by Colonel Fletcher, who was then at Philadelphia. I gave Colonel Bayard twelve pieces of Arabian gold for his trouble. Samual Staats had a similar transaction with Colonel Bayard to my knowledge. *Copy.* 1 p.
473. viii. Deposition of Dr. Samuel Staats. As to paying 75 dollars for a protection for his brother-in-law, who had gone on a pirates' voyage, through Colonel Bayard, to whom he paid twelve pieces of Arabian gold for his good offices. *Copy.* ¾ p.
473. ix. Deposition of James Emott. One Rayner sent me one Weekes to ask my advice how to recover a chest which had been seized by Sheriff Josiah Hobart. I recommended him to apply to the Governor, when Weekes insinuated that he would be willing to give 100 dollars for discharge of the chest. We both went to Governor Fletcher accordingly, who showed seeming

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anger, saying that he would not sell justice, but I understand that order was given for the chest to be discharged on Rayner's giving security not to leave the province within twelve months without licence. But I know nothing of this for certain, nor that any reward was actually paid to Governor Fletcher. *Copy.* $\frac{1}{2}$ p.

473. x. Copy of Minutes of Council of New York. 17 April, 1693. On the Governor's motion the Council agreed to admit a ship to New York to take the benefit of a New York Act against pirates. $\frac{1}{2}$ p.
473. xi. Memorandum that the copy of the Act referred to in No. x. was affixed to some other papers, but that it is to be found on p. 97 of the Printed Laws of New York. *Scrap.*
473. xii. Proclamation of the Earl of Bellomont for the suppression of pirates. 9 May, 1698. *Printed.* 1 p.
473. xiii.-xvi. Depositions of Thomas Wenham and three others, as to the signing and sealing by Daniel Honan of the bonds given by the pirates Hore and Tew. *Each* $\frac{1}{2}$ p.
473. xvii. Letters to the East India Company, dated Bombay, 15 January, and Calicut, 30 November, 1696. As to depredations committed by the pirate Mason on ships in Calicut Roads and elsewhere in the East Indies, and the report that these pirates came from New York and were encouraged by the Governor. The people at Calicut were so much exasperated that they would have destroyed the English factory, but for the presence of some English soldiers, saying that as the pirates were English they must have to do with the Company. *Copy.* $1\frac{1}{4}$ p.
473. xviii. Copy of a letter from the Duke of Shrewsbury to the Earl of Bellomont. 25 Sept., 1697. Ordering him to convey the King's orders to the Governors in America for strict repression of pirates. $1\frac{1}{4}$ pp.
473. xix. Copy of a letter from Secretary Vernon to the Earl of Bellomont. 7 October, 1697. Forwarding copy of the East India Company's memorial (No. xvii.) and directing him to enquire into the matter on his arrival at New York. 1 p.
473. xx. Printed copy of the proceedings of the Council of New York. 8 May, 1698. As to the evidence against Colonel Fletcher, William Nicoll and Captain Evans of H.M.S. Richmond, of conniving with pirates. 4 pp. [*Board of Trade.* New York, 7. Nos. 65, 65 I.-xx.]

May 18.
New York.

474. Governor the Earl of Bellomont to the Lords of the Admiralty. On my arrival here I found H.M.S. Richmond, whose commander had received your orders to sail with an expedition to England. On the 18th April Captain Evans brought me a memorial that he wanted forty sailors. I replied that it would be difficult to get them, as so few were in port, and that it would make much disturbance among the merchants, to which he answered that

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he believed he could be manned by the pirates. Startled at this proposal I told him that it would be dangerous to trust a King's ship to such men, since they might rise and carry her off. He answered that he had no fear of that and so left me; but I was still apprehensive that mischief might come of so manning the Richmond, and was confirmed in my apprehensions by Captain Evans's waiting on me some days after and asking for an order for ten sailors. I asked how he had so far filled up his complement, and he said that he had thirty volunteers who would pay their passage. I then considered how I might seize the pirates and defeat any design of theirs in the Richmond, and, without revealing my design to Captain Evans, of whom I was jealous, I told him that I would have his sailing orders and my packets ready for him against he was ready. He then told me that he intended to sail to the watering-place on Staten Island and in a day or two to drop down to Sandy Hook, where he expected eight or ten men to come aboard him, and that when he was ready he would come up to New York for my packets. He did so, and on the 8th of May attended me at Fort William Henry. Against his coming I had prepared everything, and on his attendance I confined him in a room in my house and gave a commission and instructions to Captain Culliford to command the Richmond during Captain Evans's suspension, and full instructions for the seizing of the pirates, also forty well-armed sailors to attend him in boats, and four gentlemen, whom I could trust to assist him. On the same day I summoned the Council and acquainted them with the whole matter, when it was resolved that Captain Evans should be confined or give security to appear when demanded, until I could hear the result of my preparations from the Richmond; but not to be too hard on an officer bearing the King's commission I accepted his own recognisance of £1,000 and discharged him the same evening. On the 10th of May, in the morning, I heard from Captain Culliford that the lieutenant of the ship was absent in the Jerseys, that he had searched her and mustered the sailors, but found no pirates nor any suspected persons. But from the muster-rolls that he sent me I found that there were still forty men wanting of the full complement, of whom Evans had assured me that he had listed thirty. But whether any pirates were to come on board the Richmond on a given sign, or to come on board at sea, I can make no discovery further than the jealousy created in me by Captain Evans's speeches, which were the beginning of all this trouble to him and to me. On the 11th of May, therefore, I restored Captain Evans to his command on his protestation that he never had any pirates on board the King's ships nor would take any. On the same day he gave me a memorial asking for ten sailors, and I gave him a warrant to press so many. My jealousy in this matter was strengthened by the great friendship between Captain Evans and Colonel Fletcher, who has been a great encourager of pirates and has enriched himself by giving them protection. He sails for England on the Richmond. The strictness of my orders as to pirates was the reason for my dealing with Captain Evans as I did. *Signed, Bellomont. Postscript.* I am told that Colonel Fletcher during five years very seldom

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ordered the Richmond to cruise, lest she should hinder pirates from bringing their spoil in to New York and disturb the unlawful traders, who have every imaginable liberty in this port. Several pirates have been hovering about the coast, but went away on hearing that the Governor had been changed. I think it would be much for the King's service that an extraordinary sailer, sixth rate, full manned and with an active commander, should be appointed to attend this Government. She could destroy pirates, who made New York their nest, and help the other men-of-war. I detained the Richmond a few days for my packets. Captain Evans pretended to be ready on the 8th—the day I searched his ship—but on the 17th he had not got the men for whom he held my press-warrant; and since the 17th he has attended my dispatch. 2 pp. *Enclosed*,

474. i. Memorial of Captain John Evans to Lord Bellomont, asking for forty men for H.M.S. Richmond. 18 April, 1698. *Copy*. $\frac{1}{4}$ p.

474. ii. Commission of Lord Bellomont to Captain Richard Culliford to command H.M.S. Richmond. 7 May, 1698. *Copy*. 1 p.

474. iii. Instructions of Lord Bellomont to Captain Culliford. 7 May, 1698. To board H.M.S. Richmond with forty armed men, detain all strangers, muster the men, seize all pirates on board, also Daniel Honan, if he be on board, and board and search all merchant ships for pirates. *Copy*. $2\frac{1}{4}$ pp.

474. iv. List of the officers, seamen and passengers on board H.M.S. Richmond, when searched on 8 May, 1698, 73 men in all, of whom 17 absent on leave. *Copy*. 1 p.

474. v. Memorial of Captain Evans to Lord Bellomont. Asking for ten men to complete his crew. 11 May, 1698. *Scrap*. [*Board of Trade*. New York, 7. Nos. 66, 661.-v.; and (without enclosures) 52. pp. 345-352.]

May 18. 475. Journal of the House of Representatives of New York. Sixteen members met and were sworn. Philip French elected Speaker.

May 19. The House attended the Governor, who made the following speech. My voyage was long and tedious, but I have endeavoured by industry to make up the loss of time. I find that my predecessor has left me a divided people, an empty treasury, a few miserable, naked, half-starved soldiers—not half the number the King allowed paid for—the fortifications and the Governor's house much out of repair, and, in a word, the whole Government out of frame. I recommend to you to consider the remedies for these disorders, and you may be sure of my hearty concurrence in quenching past heats and animosities. It has been represented to the Government in England that this province has been a noted receptacle of pirates and seat of illegal trade. I hope that you will discountenance to the utmost piracy, which is the worst form of robbery. The King's orders to me for repression thereof are very strict. But though I shall do my utmost against piracy and unlawful trade, I shall encourage a lawful trade by all means in my power. I find that

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the revenue is about expiring. I hope that you will not increase my difficulties by leaving the Government destitute. I shall take care that there is no misapplication of public money. The accounts shewing the Government's debts will be laid before you. I have ordered the engineer to inspect the fortifications on the frontier, and his report shall be laid before you. Pray think of the means of reconciling your differences, that you may be a united people. I recommend also a law to put an end to abuses which have flourished in the election of members to the Assembly. I conclude by asking you to join me in an address of thanks and congratulation to the King on the peace. *Speech ends.* Philip French was approved as Speaker. Petition of Samuel Staats, John Depeyster, Leonard Lewis and Abraham Gouverneur presented, complaining that Ebenezer Wilson, sheriff, had refused to poll their voters, excluding all those of the County of Orange, and by other means cancelling their votes, whereby petitioners, though they had a majority of voices, were declared not elected.

May 20. Address of thanks voted to the Governor for his speech. The Governor granted the usual privileges claimed by the Speaker.

May 21. Carried that an address of congratulation be sent to the King upon the peace. Adjourned to 23rd. *Printed.* [*Board of Trade.* New York, 72. pp. 935-938 and 949-950.]

May 19. **476.** Earl of Bellomont to the Lieutenant-Governor and New York. Council of Massachusetts. This goes by Mr. Bridger, one of the Commissioners appointed to inspect and report on the supply of naval stores by New Hampshire and New England. I hope you will give him every assistance alike in obedience to the King's orders and for the profit of England and of the Colonies. *Copy.* $\frac{1}{2}$ p. *Endorsed,* Transmitted in Lord Bellomont's letter of 25 May. *Recd.* 6 July, 1698. [*Board of Trade.* New England, 9. No. 24.]

May 19. **477.** Petition of Alexander Hardine, Lieutenant in Colonel Gibsons's regiment lately disbanded, to Council of Trade and Plantations. I was willing to have stayed in Newfoundland if the Colonel had thought fit. Being the eldest lieutenant of the regiment, I beg for the command of the party that is to be kept standing as garrison of the fortifications of St. Johns. 1 p. *Endorsed,* *Recd.* Read 19 May, 1698. [*Board of Trade.* Newfoundland, 3. No. 113.]

May 19. **478.** Mr. Secretary Vernon to William Popple. Pray Whitehall. inform the Council of Trade that the application of the Hudson's Bay Company, for a man-of-war to convoy their ships to the Bay, has been referred by the King to the Cabinet Council and the Council of Trade, and that they will meet at your office on the 21st to hear the arguments of the Company. *Signed,* Ja. Vernon. $\frac{1}{2}$ p. *Endorsed,* *Recd.* Read 20 May, 1698. [*Board of Trade.* Hudson's Bay, 2. No. 19; and 3. pp. 64-65.]

May 19. **479.** Council of Trade and Plantations to Governor Sir Cockpit. William Beeston. Since our last of 21 March, we have received yours of 9 December and 1 March. Your first letter seems not now to require an answer, because of the great change in all public

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affairs by the peace. We take note of your thoughts relating to the Acts of Trade, and desire you to communicate to us whatever you think will be to the advantage of Jamaica in time of peace. On your intelligence of Mr. Towse's death we sent for Mr. Baber, who, on our representation, not only promised that sufficient security should be given you for the good execution of his office, but would give such orders about it as would be effectual. If there be any failure in the performance you will apprise us. We have heard nothing more of the complaints of the Naval Captains against you, and if any be made as to your disposal of the stores, we hope that you will be praised instead of blamed. On our representation a fourth-rate and a sixth-rate ship have been appointed for the service of Jamaica in time of peace. You have sent no Naval accounts, as required by your instructions. You will send them regularly in future. *Signed, J. Bridgewater, Ph. Meadows, Wm. Blathwayt, Abr. Hill. [Board of Trade. Jamaica, 56. pp. 195-197.]*

May 19.
Cockpit.

480. Council of Trade and Plantations to Governor Grey. Among the Acts of Barbados sent to us was one declaring the decision of controverted elections to the Assembly to lie in the representatives of the people. On perusing the journals we find that Governor Russell refused to pass an Act of like nature, and that the present Act was passed by the President and Council since his death. The preamble declares that till of late years all disputes of that nature have been decided by the Assembly. We desire you to enquire exactly into the ancient practice herein and to send us the proofs of what is alleged by the Assembly in support of their claim. *Signed, J. Bridgewater, Ph. Meadows, Wm. Blathwayt, Abr. Hill. [Board of Trade. Barbados, 44. pp. 208-209.]*

May 19.
Cockpit.

481. Council of Trade and Plantations to the President and Council of Barbados. We have received yours of 2 March. We await the accounts of the Treasury, and also of the Naval Office, of which we have received none later than Michaelmas, 1696. We have not been unmindful of representing the necessity of a good supply of negroes for Barbados, as for other islands. Parliament is now considering the trade to Africa, and we hope that, if any Act passes for the establishment of that Company, it will be with such enlargements and regulations that the Colonies will find benefit by it. In reply to your request that the $4\frac{1}{2}$ per cent. duty should be applied to the purposes for which it was raised, we would point out that the King applies not only the whole of that revenue but much greater sums to the support and benefit of the Colonies. This letter will arrive together with Mr. Grey, who has other instructions to communicate to you. *Signed, J. Bridgewater, Ph. Meadows, Wm. Blathwayt, Abr. Hill. [Board of Trade. Barbados, 44. pp. 209-211.]*

May 19.

482. William Popple to the Naval Officer of Barbados. Pointing out the inconvenience of the form in which the Naval accounts are at present made out in Barbados and suggesting a better method. *[Board of Trade. Barbados, 44. pp. 211-212.]*

May 19.

483. William Popple to the Secretary of Barbados. With reference to the Acts recently received there from Barbados I am to

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make the following observations. In the Act for the speedy supply of arms, ammunition and white servants, there appear the words "the African Company who are hereafter separately taxed." Yet the African Company is not again mentioned in the Act, which, whether it be a defect in the Act or an error in copying, should have been better taken care of. Again under date 8 May, 1696, is a memorandum that "the Act of Excise was then passed, which agrees with that passed on 23 March, 1694," adding only an exception, the Treasurer's allowance. The whole Act ought to have been copied at length and not only hinted at by a reference. I am further to call upon you for an explanation of these matters. [*Board of Trade. Barbados, 44. pp. 213-214.*]

May 20.
Transport
Office.

484. Commissioners of Transport to Council of Trade and Plantations. By Mr. Blathwayt's order we sent an account of the provisions sent in the ship John and William to Newfoundland, which as the enclosed letter of the owner shows, is detained there contrary to agreement. We do not know what quantity of the provisions has been expended, nor do we know why the ship has been detained. *Signed, Sam. Atkinson, John Henley. ½ p. Endorsed, Recd. 20, Read 23 May, 1698. Enclosed,*

484. i. Copy of a letter of John de Grave and William Holman, London, 19 May, 1698. The fly-boat John and William which was taken up to carry provisions to Newfoundland in August last, arrived there about 20 November. The Master applied to the Governor and others to take out the cargo, but none would meddle therewith, so he has laid out his lay days according to charter-party and now lies in demurrage to our great damage. We beg that orders may be sent to Newfoundland for her to be cleared and for demurrage to be paid, or that you will give us some assurance that the ship will be continued in the above said service until she comes back to London. ½ p.

484. ii. Account of the provisions embarked in the ship John and William for Newfoundland in August, 1697. [*Board of Trade. Newfoundland, 3. Nos. 114, 114i, ii.; and (without enclosures) 25. p. 224.*]

May 20.
Montserrat.

485. Minutes of General Council of the Leeward Islands. Patents for lands in Montserrat granted. [*Board of Trade. Leeward Islands, 64. p. 534.*]

[May 21.]

486. Petition of the Governor and Company of Hudson's Bay to the King. The French are endeavouring to be sole masters of the fur-trade. No Commissioners have arrived from France pursuant to the 8th Article of the Peace of Ryswick, though the time for their coming is long since expired, and the time limited for the determination of the matters mentioned in the said article is near expiring. This delay, and intelligence that the French have ordered a man-of-war and two frigates to Hudson's Bay, lead us to apprehend that the French preparations are intended either to destroy (as they have frequently done in time of peace) or to interrupt our trade, which will probably ruin the Company and

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take the fur-trade from England. We have suffered very much from the French in times of peace, and at this moment we have but one place in the Bay to repair to, where the English settlers will starve unless supplied by the present shipping. We beg you to grant us a convoy for our ships. *Signed*, Sam. Clark, Dep.-Governor, and by five others. *Copy*. 2 pp. *Endorsed*, Communicated by Secretary Vernon. Recd. Read 21 May, 1698. [*Board of Trade*. Hudson's Bay, 2. No. 20; and 3. pp. 65-67.]

[May 21.]

487. Reasons for granting a convoy to the ships going to Hudson's Bay this year. (1.) The French have not complied with the eighth article of the Treaty of Peace, though the time for executing the most material Acts therein has long since elapsed. (2.) The French have ordered a man-of-war and two frigates to Hudson's Bay. (3.) The French have repeatedly committed acts of hostility to the Company in time of peace, and may do so again, which a convoy would prevent. (4.) The petition for convoy is intended for protection only and cannot be construed as an intention to break the peace. *Copy*. 1 p. *Endorsed*, Recd. Read 21 May, 1698. [*Board of Trade*. Hudson's Bay, 2. No. 21; and 3. pp. 67-68.]

May 21.
Whitehall.

488. Council of Trade and Plantations to Mr. Secretary Vernon. We enclose the reasons why the Hudson's Bay Company ask for a convoy, their apprehension being that the French have ordered ships of war thither, and that there has been no exchange of the forts in possession of each party in pursuance of the Treaty. In our opinion such a convoy may be a necessary countenance and security to the trade until all matters are adjusted between the King and the French, who have formerly taken advantage of the Company's weakness in respect of shipping in those parts. [*Board of Trade*. Hudson's Bay 3. p. 69.]

May 21.
New York.

489. Edward Randolph to William Blathwayt. You will remember that, notwithstanding all the arguments used to prevent the sending of Mr. Bridger and Mr. Furzer as agents to survey the woods in New England, they were none the less appointed by Sir Henry Ashurst's influence. Mr. Bridger is going hence to Boston and the eastern parts; Mr. Furser died at Barbados. There is more reason to have those parts surveyed where there are vast quantities of great trees fit for masts of the biggest dimensions, not yet touched and near the water-side, as also on Colonel Lewis Morris's lands in New Jersey where there is oak enough to build a navy. Pray get a warrant for me to succeed Mr. Furzer with the like salary as surveyor of the woods in those parts. It will be a great service to the Crown and obligation upon me. *Signed*, Ed. Randolph. *P.S.*—You may remember that it was on the first proposal that I was made Surveyor in New England. Sir Henry Ashurst only stopped my having a new warrant. *Holograph*. 1 p. *Endorsed*, Recd. Read 6 July, 1698. [*Board of Trade*. New England, 9. No. 25; and 37. pp. 10-11.]

May 23.

490. Minutes of Council of Maryland. The Governor announced that he should shortly go to Patuxent to despatch the shipping to England. A letter was read from Mr. Isaac Miller that Captain Peter Paggan had made over the Country-arms to him.

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The Governor observed that the money appropriated to the purchase of arms appeared not to have been applied to that purpose; and it was thereupon agreed that George Plater, as responsible for the same, be suspended from his office of Receiver. [*Board of Trade. Maryland, 13. pp. 508-511.*]

May 23.

491. Minutes of Council of Jamaica. Richard Lloyd, on his departure for England, gave in the bonds given by the various officers of the Government, which were lodged in the Governor's hands pending the appointment of another Chief Justice. On the motion of the Attorney-General the Governor consented to delay the departure of the ships so that the Chief Justice could stay and hold the next Grand Court. The accounts of the revenue were brought up after audit, and ordered to be recorded in the Council book. *Here follow the accounts.* [*Board of Trade. Jamaica, 79. pp. 92-101.*]

May 23.

492. Minutes of Council of New York. Members appointed on the request of the Representatives to draw up a joint address to the King.

May 24.

The Governor read the letter from the Council of Trade of 23 February, with the order refusing the privilege of a port to Perth-Amboy; and a proclamation was ordered to make public the said order. Order for publishing the Royal proclamation forbidding English subjects from taking service with foreign princes. Colonel van Cortlandt was ordered to look to the clothing of the Mohawk proselytes from Albany. [*Board of Trade. New York, 72. pp. 98-99.*]

May 23.

493. Journal of House of Representatives of New York. Members appointed for a joint committee to draw up an address to the King.

May 24.

Four members appointed to draw up an address of welcome to the Governor, the draft of which was read and approved, as also the draft of the address to the King.

May 25.

Petitions (1) of Josiah Hunt, Henry Fowler and John Shute, complaining of an undue election for the county of Westchester, (2) of Content Titus, Jonas Wood, William Lawrence, Hope Carpenter and John Coe to the like effect as to Queen's County; (3) of Roeloff Schenk, Nicholas Stillwell and Gerrit Stoothose to the like effect as to King's County, were received. The complaint of (1) was that sundry voters were not admitted to vote, and many were excluded by closing the poll before the legal hour [*pp. 959-960*]. The complaint of (2) was that the Sheriff conducted the election on his own principles and refused a poll altogether [*pp. 957-958*]. The complaint of (3) was that Gerardus Beeckman and Meyndert Coerten, the members declared elected, had been convicted of high treason and were therefore unfit to sit [*p. 956*]. Resolved that Beeckman and Coerten be heard to-morrow. The congratulatory address was presented to the Governor. Resolved that petitions as to elections and grievances be heard in Committee of the whole house. Order for the Sheriff of New York to attend on the 27th.

May 26.

Resolved that all complaints concerning elections and grievances be produced and answered in writing. Resolved that the hearing of the petition against Gerard Beeckman and Meyndert Courten be deferred till the 28th.

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May 27.

Order for a new writ to be issued for the election of a member for Richmond County, in place of John Tennison, disqualified. Ebenezer Wilson appeared and delivered an answer to the petition of Samuel Staats and others as follows [pp. 950-951]. My return of the election was true and just. I did summon the free-holders of Orange County, but the Mayor, Magistrates, and several citizens of the city of New York objected to the admission of any foreign persons to be electors, as an infringement on the rights of the city. I therefore refused to admit them, but put their names in a list by themselves so that the question, if pursued, might be the more easily brought to issue. I duly appointed twelve electors to be witnesses of my faithful execution of the writ, which electors were approved by all the candidates. I did move the poll to the town hall from the open field, owing to the disorder of the people, and I conceive that I had the right to do so. I did not refuse any candidate to be present at the poll nor was I abusive to any of them; but the candidates of only one side were present, of whom one was so rude as to take my chair from me. The witnesses that I selected for scrutiny of the poll were the most reputable that I could find. It is not true that the petitioners had a majority of voices. The witnesses upon scrutiny rejected forty-eight voters as disqualified, who gave their voices for the successful candidates, and eighty-eight for the petitioners. At the close of the poll there was a majority of fifty-eight against the petitioners. Even if the free-holders from Orange County had been admitted to vote they were but twenty-one, so that the majority against the petitioners would still have been thirty-seven. *Countersigned by the twelve witnesses, at least half of them bearing Dutch names.*

May 28.

Order for the late Clerk, John Clapp, to enter up the minutes and hand over the papers in his custody. The answer of Gerard Beeckman and Meyndert Coerten to the petition against them was read [p. 957] to the effect that they had received a free pardon from the King. It was resolved nevertheless that they were not qualified to be representatives, and a new writ was ordered for King's County. *Printed. [Board of Trade. New York, 79. pp. 939-941.]*

May 23.

494. Journal of Council of Trade and Plantations. Sir Edmund Andros's letter of 14 March last received.

Letter from the Commissioners of Transport of 20th inst. read (No. 484), and order given for a letter to the Victualling Board thereupon this day (No. 496).

May 25.

Letter from the Victualling Board of yesterday read (No. 497). Order for a copy to be sent to Mr. Vernon, and for a letter to be written to the Secretary of the Ordnance thereupon (No. 499).

Order for a letter to Governor Day to be prepared.

Mr. Stoughton's letter of 2 April, Mr. Usher's of 25 March and Mr. Addington's of 1 April, with several enclosures, read.

Order for a representation to be prepared as to instructions for the Commodore of the Newfoundland convoy.

May 26.

The representation ordered yesterday was signed.

May 27.

Mr. Gilbert Heathcote reported that he and several others had made an agreement with the Emperor of Muscovy for the importation of tobacco into his dominions, but feared that it might

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be lost owing to the opposition of the House of Lords to the bill for enlarging the Russia Company. The Board said that they did not see how they could help them; whereupon the gentlemen said that they would petition the House of Lords, and send a copy of their case to the Board.

On Mr. Blathwayt's motion the Board resolved to consider the business of Virginia, and ordered the queries formerly submitted to Colonel Hartwell to be sent now to Mr. Parke. [*Board of Trade. Journal, 11. pp. 73-81.*]

May 23.
Boston.

495. Charles Story to Council of Trade and Plantations. I arrived at Boston on 15th, and have this day written to Lord Bellomont intimating my willingness to come to him if he should desire further information as to the ill state of New Hampshire. The people of that province still remain disobedient to the letters which I received from your secretary, as Mr. John Usher acquaints me. *Signed, Charles Story. ½ p. Endorsed, Recd. Read 18 July, 1698. [Board of Trade. New England, 9. No. 26.]*

May 23.
Cockpit.

496. William Popple to the Victualling Board. As soon as you have appointed a store-keeper for Newfoundland, you will send him hither to receive the directions of the Council of Trade upon certain matters. [*Board of Trade. Newfoundland, 25. p. 225.*]

May 24.
Victualling
Office.

497. The Victualling Board to William Popple. With reference to your letter of yesterday, we formerly informed you that we had no order to appoint a store-keeper, nor do we think it proper for us, having no fund to answer his salary. We were lately summoned to attend the Board of Ordnance on this matter, and we think Lord Romney and the Board were satisfied that it was not proper for us to appoint and agree for a store-keeper. When we hear that one is appointed we shall direct him to wait upon you. *Signed, Tho. Papillon, Simon Mayne, Hum. Ayles. ½ p. Endorsed, Recd. Read 25 May, 1698. [Board of Trade. Newfoundland, 3. No. 115; and 25. p. 230.]*

May 24.
Cockpit.

498. William Popple to the Secretaries of the Admiralty. Forwarding heads of enquiries to be answered by the Commander-in-Chief of the convoys to Newfoundland.

The heads of enquiries referred to are:—(1) What is the number of English planters, men, women, children and servants? What is their manner of living and trade? How are they employed in winter? Do they observe the rules of the Western Charter? (2) Is the Colony self-supporting? Whence do they obtain their provisions and necessaries for fishing? What commodities of New England are brought there? (3) Do they damage the woods, to the prejudice of the fishing trade? Do they do any mischief to the Adventurers by destroying the materials that they leave behind? What quantity of woods is there in proper places to build stages? (4) Do they seize on the best fishing places and maliciously destroy them, to the prejudice of the Adventurers? (5) Do the boat-keepers that are left behind destroy the stages, and thus force the Adventurers to sail early to repair them? (6) Have the boat-keepers supplies of provisions or fishing necessaries from New England? (7) What sustenance do the Planters receive from land? Do they

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carry on any fur trade? (8) What is the trade between New England and Newfoundland? Does not New England send there great quantities of liquor, which debauches the fishers? Are the fishers so much indebted that they are forced to hire themselves to the planters? (9) What number of boats do the inhabitants employ, and what fish do they take? Can they sell at cheaper rates than those that go from England? (10) Do the New Englanders exercise the fishing trade either on their own coast or on that of Newfoundland? (11) Give an account of the number of ships and boats employed by the Adventurers, their burden, number of men employed, wages, food allowances, manner and cost of catching fish, value and quantity of the catch, and principal markets. (12) Take an account of the sack-ships, how laden, and to what markets. (13) Are not passengers encouraged by masters of ships to stay behind? How many stay behind yearly? (14) How are the rules of the Western Charter observed, and how principally violated? (15) Give full particulars of the French fishery in Newfoundland, comparing it with ours, also (16) the number of French inhabitants, (17) their employment during the winter, (18) the value and quantity of the French catch of fish, and the cost of their fishing as compared with the English. (19) Give particulars as to the times of the French in arriving at and leaving the fishery, (20) as to the increase or decrease of the French trade, (21) the forts and strong places of the French, and their condition, and (22) the means of taking their trade and fishery from them in the future. (23) Enquire as to foreign ships that fish on the Eastern Coast, and (24) the present state of French trade upon the bank and coast of Canada. (25) Does any other nation carry on this trade, and where do they frequent? (26) Report generally on the whole state of the fishing trade. [*Board of Trade. Newfoundland, 25. pp. 225-230.*]

May 25.
Cockpit.

499. William Popple to John Pulteney. As soon as a store-keeper is appointed for Newfoundland you will send him hither to receive the orders of the Council of Trade. I am to ask for information as to what has been done as to the materials for a boom for the harbour of St. Johns, of which there is no mention in the report of the Board of Ordnance of 3rd inst. [*Board of Trade. Newfoundland, 25. p. 231.*]

May 25.
Cockpit.

500. Council of Trade and Plantations to Mr. Secretary Vernon. We fear there will be a failure to appoint a store-keeper for Newfoundland, which may occasion great embezzlement of stores. We enclose copy of the Victualling Board's letter (No. 497), and beg you to give the necessary orders. *Signed, Ph. Meadows, Wm. Blathwayt, Abr. Hill.* [*Board of Trade. Newfoundland, 25. p. 231.*]

May 25.
New York.

501. Governor the Earl of Bellomont to the Lords of the Treasury. Since my arrival I have made strict enquiry as to the Customs revenue and find that the officers have been corrupt and negligent, and that there have been great abuses in regard to trade. This may be inferred from the fact that though the trade of the port is double that of ten years ago and the city grown vastly rich and populous, the Customs' receipts have decreased. There has

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been a most licentious trade with pirates, Scotland and Curaçoa, and the Collector, Mr. Chidley Brooke, is extremely backward in the discharge of his duty. I know this from my own observations and from information of his actions, which do not suit with the trust reposed in him. When they can be proved I shall suspend him from office and appoint another in his room. The late Government connived at these breaches of the Acts of Trade, and the merchants are so accustomed thereto that the whole city was in an uproar over a small seizure that I made, and looked upon it as a violent seizure of their property. I shall not be discouraged, but shall take care that the Acts of Trade are enforced, and if possible find trusty officers to assist me. Much inconvenience will be caused to the trade by there being no Register nor Naval Officer apart from the Collector, but I have endeavoured to remedy this. I have appointed Thomas Palmer to be Naval Officer and Register; he is of good reputation, and has given £5,000 security for due discharge of his duty. I have refused to allow proclamations for opening the ports in New Jersey to be printed here, for customs are levied in this port, and Amboy, being but twenty miles away, would draw away all our trade if it were opened. I enclose accounts of the revenue to show you its decrease, in spite of the enrichment of the city by illegal trade. Greater assistance of more faithful officers is needed to remedy this. *Copy. 1½ pp. Endorsed, Recd. Read 6 July, 1698. Enclosed,*

501. i. Account of the King's revenue from all sources in the Government of New York, 1687. Total, £5,162. 1 p. *Endorsed as the letter.*

501. ii. Comparative statement of the revenue of New York, from 1692 onwards.

1692, £3,371.	1695, £3,601.
1693, £2,972.	1696, £3,184.
1694, £4,333.	1697, £3,603.

2 pp. *Endorsed as No. 1. [Board of Trade. New York, 7. Nos. 67, 67 l.-ii.; and 52. pp. 340-345.]*

May 25.
New York.

502. Governor the Earl of Bellomont to Council of Trade and Plantations. Since mine of the 18th I have received yours of 30 November, directing the publication of the peace, which had been performed here before my arrival from Barbados. I have also received yours of 23 February with packets for Connecticut and Rhode Island. The proclamation as to taking service with foreign nations has been published. I agree that it is desirable that there should be an Agent for New York in England, but I must wait until next meeting of the Council to appoint one. The Order in Council relating to the port of New York I at once communicated to the Council, and thereupon issued the enclosed proclamation. It has given great satisfaction here, for the merchants were already preparing to move to Amboy and Burlington on a report that these had been declared ports, in order to have the advantage of importing all sorts of merchandise free. I shall obey with great pleasure your orders as to furnishing naval stores from New Hampshire for the King's Navy. Though the good design has hitherto been obstructed

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by cross accidents, yet I do not despair of its succeeding well for the advantage of England. Much disappointment and loss of time in this affair was caused by foolish and unhappy parsimony of the Surveyors, Mr. Bridger, Mr. Furzer and Mr. Jackson, appointed to survey the woods and other conveniences in these Colonies. They procured an order from the Admiralty to be shipped in H.M.S. *Deptford*, and so were forced to Barbados, where Mr. Bridger and Mr. Furzer fell sick of a fever three or four days before I left, contracted by a debauch. Mr. Furzer died, who I believe was the better of the two, but, Mr. Bridger recovering, followed me hither; and I have sent him to Boston with a letter earnestly recommending his design. Mr. Jackson is still here on business, but will follow him in a day or two. My letter is addressed to the Lieutenant-Governor, Council and Assembly, and will find the Assembly sitting. One thing I fear may obstruct the design, though Massachusetts favours it, and that is the Eastern Indians are at war with the province, which will make it very expensive for Massachusetts to provide a guard for the Surveyors. If they require it of me, I will furnish them with forty or fifty soldiers from these garrisons. I am told that this country is better for producing hemp and flax than that about Boston, and some have spoken to me about encouraging the growth of it by Act of Assembly; but day-labour is so excessively dear here that I am jealous it will never do so well here as in Ireland. However, I will give the design all the countenance I can, so that the King shall be sure of being supplied with these species here if they should fail in other of his dominions. I shall go to Albany about a month hence, when the session of Assembly is over, where the Five Nations are appointed to meet me. I shall try to engage them to fall upon the Eastern Indians which infest New Hampshire and Massachusetts, unless I am informed meanwhile that these Indians have ceased their hostilities. By next opportunity you shall have proofs of Colonel Fletcher's maladministration equal to anything that I transmit by this conveyance. I have been obliged to detain the *Richmond* eight or ten days for my packets. I have taken a good deal of pains with them and have been wholly employed day and night for nearly three weeks in preparing them for you. I have been so moderate to Colonel Fletcher and his friends that I have turned out none of them, not so much as his sheriffs, who are complained against for foul practices in the election of Representatives notwithstanding my proclamation to the contrary. Hence there is much discontent among those who have been prevented by foul play from sitting in the House; and such irregularities are daily committed in the House in the point of order that I begin to despair of their doing any good for the King's or the country's service. I must remark to you the great pains that Colonel Fletcher took to divide the people here and to foment the feud between Leisler's and the opposite party. He went so far as to publish a book (taking the Council's advice in doing it) to revive the old story of Leisler. I shall send it, with the order in Council for printing it, by next opportunity, and you will then judge if it was not circulated to put this town and country into a combustion. I send two affidavits taken by Mr. Attorney in my presence against Mr. Pinhorne.

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He has been one of the Council here, a great creature of Colonel Fletcher's and one of the judges. I gave him fair play by confronting his accusers with him and shall turn him out of Council and of his Judge's place next Council day. Earle is a man of good estate, I am told, in East Jersey, and I could see nothing in his or his mother's behaviour to make me suspect their evidence. *Signed*, Bellomont. I must do Mr. Graham the right to tell you that all my information of the affairs of the province is owing to him. He is a man of great sagacity and temper. Not a man of the Council has come to offer me any account of affairs. It is as if they had sworn allegiance to Colonel Fletcher, not to the King. But I shall soon prove to you that their reserve arises from the consciousness of their guilt. 3 pp. *Endorsed*, Reed. Read 6 July, 1698. *Enclosed*,

502. I. Proclamation of the Earl of Bellomont. Declaring that no goods are to pass up the river at New York without paying duty there, since the King has rejected the petition of East Jersey to open a port at Amboy. 24 May, 1698. *Printed*. 1 p. *Endorsed*, Reed. 6 July, 1698.

502. II. Deposition of Edward Earle. In 1691 or 1692 I was at William Pinhorne's house, when a book being produced with a picture of the Prince of Orange, Pinhorne asked was it not a pity that such a hump-backed, crook-nosed Dutch dog should rule the kingdom of England.

Deposition of Hanna Earle. To the same effect. *Copy*. 1½ pp. *Endorsed as No. 1*. [*Board of Trade*. New York, 7. Nos. 68, 68 I.-II.; and 52. pp. 356-366.]

May 25. 503. *Precis of the preceding letter*. 1 p. [*Board of Trade*. New York, 7. No. 69.]

May 25. 504. Governor the Earl of Bellomont to William Popple. New York. The load of business on me is so great that I cannot send all the evidence against Colonel Fletcher that I had designed. The Assembly is sitting, and there is such a world of complaints, especially from the soldiers who have been wronged of their pay, that I have scarcely had time to write the letters to the Council that decency obliged me. Mr. Clement, my secretary, also used me so ill as to stay behind me, which has occasioned me much pains and trouble. There is an inconsistency in my instructions which I desire may be rectified. I am made Captain General of the militia of the Jerseys, and yet by a particular instruction I am to forfeit half my salary and perquisites to my Lieutenant-Governor while I am absent from the province or from any province of my government. I should suffer the like if I went to Connecticut. Mr. Stanley, who is my particular friend, will shew you an essential fault in the commission of the Lieutenant-Governor of New York, which I desire may be rectified at the same time. Please send to Mr. Stanley about it. Pray also move the Council to ascertain what perquisites and fees do properly belong to me when I am absent from any of my governments. Thus when I am in Boston is my Lieutenant-Governor of New York entitled to the perquisites of New York government, which are one-third of ships seized,

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probates, marriage-licences, fines and forfeitures and passes for ships? As to the first—the share of ships—the Act of Parliament seems to settle the question by appropriating the perquisites to the Governor only, taking no notice of a Lieutenant-Governor or Commander-in-Chief for the time being. Pray ask the Council to decide whether by moving from one government to another, as my duty obliges me, I am to be a loser and sufferer, for every journey will be very expensive. “I will undertake to make it appear that at that rate the Lieutenant-Governor will have a better time of it than I shall.” Let me entreat you to send me the Council’s orders hereon. I send copies of my French letters to Count de Frontenac and to Mons. de Callière, Governor of Montreal, also my instructions to the bearers of these letters. If you think it worth while, please shew them to the Council. I shall covet to maintain a more than ordinary strict correspondence with you. *Signed*, Bellomont. My humble service to Mr. Locke. I hope this last severe winter has not prejudiced his health. The sure way of conveying letters to me is by way of Boston, whence the post comes every week to this place. I desire you to send to the pay-office to prevent Colonel Fletcher’s receiving any pay, for I shall prove that he has defrauded the officers and soldiers of great sums here. *Postscript*. Since I writ this I have shewn my instructions as to my Lieutenant-Governor’s allowance to a friend or two, who are of opinion that it entitles me to all the perquisites so long as I am in the province or in my other governments, provided I go not out of New England; but they say it is doubtfully worded and ought to be better explained. I send you copy of the instruction. Please discourse it with Mr. Stanley and then move for a plainer instruction. $3\frac{1}{2}$ pp. *Enclosed*,

504. 1. Copy of a letter from the Earl of Bellomont to Mons. de Callière. New York, 22 April, 1698. I was much surprised that Colonel Fletcher had neglected to inform you of the general peace published in London on the 19th October. It was most blameable conduct on his part, and will certainly be censured at Court. I have given orders for the immediate release of all French prisoners, whether in the hands of the English or of the Indians who are the King’s subjects. I have ordered the release of the French prisoners in the other provinces also. I have entrusted a letter for Count de Frontenac to Colonel Schuyler and Mr. Dellius. I beg that you will welcome them to your government and speed them to Quebec. *French*. $\frac{1}{2}$ p.

Copy of a letter from the Earl of Bellomont to Count de Frontenac. 22 April, 1698. Having been appointed Governor of several provinces and of New York among them, I beg, while informing you of the same, to apprise you of the general peace, which was published in London in October last, a few days before my departure. My voyage, however, was long and tedious, and having been driven into Barbados by the severe weather, I arrived here only on the 2nd inst. Colonel Schuyler

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and Mr. Dellius are the bearers of this letter, and will bring with them all the prisoners in our hands in this province. I shall send orders for the liberation of those in the hands of our Indians and for their safe escort, if necessary, to Montreal. I have no doubt that you have given the like orders on your side so that good correspondence and free commerce can be resumed between us. *French. 1 p. Endorsed, Reed. 6 July, Read 13 Sept., 1698.*

504. II. Instructions of Lord Bellomont to Peter Schuyler and Godfrey Dellius on their mission to Canada. To inform the Governor of the peace and ask for the release of British prisoners. *Copy. 2½ pp. Endorsed, Reed. 6 July, 1698.*

504. III. Copy of a letter from Lord Bellomont to the Governor, Council and Assembly of Connecticut. I am extremely obliged to you for your welcome to me in your letter of 12th inst., borne by such worthy persons as Major-General Winthrop, Major Selleck, and the Rev. Mr. Saltonstall. You may be sure that I shall be a friendly neighbour to you. I send you a copy of a letter addressed to me by the Council of Trade just before my departure (*see preceding Vol. No. 1335*). Pray consider it and inform me as soon as you can of your reasons for countenancing the towns of Rye and Bedford in their revolt against this province, and upon what foot you pretend to jurisdiction over them. I am glad that I am able to apply to you in this affair while your General Assembly is met. *Signed, Bellomont. Copy. 1 p. Endorsed, Reed. 6 July, 1698, Read 21 Feb., 1698-9.*

504. IV. Copy of a clause of Lord Bellomont's instructions respecting the allowance to his Lieutenant-Governor during his absence from New England and New York. *½ p. [Board of Trade. New York, 7. No. 70, 701-IV.; and (without enclosures) 52. pp. 366-370.]*

May 25. 505. Journal of General Assembly of Massachusetts. The Representatives (names given) were sworn and chose Nathaniel Byfield as Speaker, who was approved.

May 26. The Representatives presented the list of Councillors elected by them, who were approved by the Lieutenant-Governor and sworn. The Lieutenant-Governor then made a speech recommending the securing of the frontier against rebel Indians, provision for the support of the Government, and the making and reviving of laws. The Order of the Lords Justices in Council, respecting the admission of Customs-officers to appeal to the King in Council, and the Council's address thereon, were read and ordered to be laid before the Assembly. The gentlemen who had waited on Lord Bellomont returned this day, bringing a letter from his Lordship, which was sent down to the Assembly, as was also another letter from him referring to naval stores which was presented by Mr. Bridger. Thanks voted to Nicholas Noyes for his sermon.

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May 27. Members appointed for a joint committee respecting the Lords Justices' order concerning appeals. Debate on the Acts disallowed by the King. Order to prepare bills to re-enact the Acts as to Precedents, and for establishing of ports and fixing fees for entry and clearing. On Mr. Bridger's application for a guard to protect him while inspecting the forests, a Committee was appointed to ascertain his instructions and the measures that he proposes to take with regard to naval stores.
- May 28. A petition of William Peabody for leave to appeal from a judgment of the inferior Court, read. Bill to explain the law referring to inhabitants read and debated. [*Board of Trade*. New England, 48. pp. 219-224.]
- May 26. 506. Minutes of Council of Maryland. Collectors' accounts and shipping lists sworn to. Order for the accounts of the revenue to be ready by the end of August. George Plater asked for further time to make up his accounts of the money appropriated to the public arms. [*Board of Trade*. Maryland, 13. pp. 510-512.]
- May 26. 507. Governor Nicholson to James Vernon. My congratulations to you on your elevation to so honourable a place of trust, but all who know you must own that it is due to your merit. My thanks for your letter telling me that you will give no credit to reports to my disadvantage. I beg that the King will order those who accuse me to sign their accusations and give security (for such as Slye are in debt more than they are worth) to prosecute their accusations, so that I may have my remedy at law. Sir Thomas Laurence having been dangerously ill last winter is obliged to remove to England. I have always found him entirely devoted to the King's service, in attending of which, both at home and at other places, he has suffered much in health and estate. He has full powers and instructions from me to lay before the King the state of the province. Kindly continue us both under your patronage. Signed, Fr. Nicholson. 1 p. [*America and West Indies*. 558. No. 6.]
- May 26. 508. Gerard Slye to James Vernon. I attended you on my Maryland. return to England last year to give you an account of Governor Nicholson's ill-practices, and have since brought to your office several articles together with John Coode's petition against him, to be laid before the King in Council. Having since returned hither I send you a further account of Nicholson, which I hope you will the more readily pardon since it is for the King's service. All thinking men are amazed that such a man should have twisted himself into any post in Government, for besides his incapacity and illiteracy he is a man who first in New York, then in Virginia and at last in Maryland, has always professed himself an enemy to the present King and Government. You will see by copy of a letter writ from this Government what a mark they gave him from his true character. He is still the same man, and I have such incredible accounts every day of him that I should prefer to be silent about them if I were not sure of proving them. By some means he obtained a copy of the rough draft of the first accusations against him and proceeded *ex parte* to examine witnesses and take

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affidavits as he thought fit to have them drawn to clear himself, for he would not allow the people before or after they were sworn to read over their depositions. Since then he has called an Assembly and would have had them clear him, but they would not meddle in it, neither could they, since many of the members could not only testify the truth of the charges but also to other ill actions, the worst of crimes. When he found he could not have his end with them and that they were about to redress the grievances of the province he adjourned them, and has since prorogued them twice; and it is thought he will not let them sit lest they should inspect his abuses, as they certainly will whenever they sit. I heartily wish a new Governor were hastened hither for the good of the country and all concerned. The whole province longs for a gentleman who is qualified for Government and loyal to the King. I doubt not you may be instrumental to so good a work. I enclose the heads of other articles against him. *Signed, Gerard Slys.* 2 pp. *Enclosed,*

508. 1. Further articles of crimes and misdemeanours against Governor Nicholson. (1) He makes his chaplain walk bareheaded before him from home to church. (2) While at Common Prayer, at the beginning of the Litany, he called Captain Thomas Waughop, member of Assembly, rogue and rascal, and kicked him out of the church. (3) He goes to receive the sacrament in a military manner with drums beating, sword by side, and the flag flying on the house where divine service is said. (4) He usually makes his chaplain wait ten or twelve hours for service, so that often morning prayer is said in the evening. His chaplain, Mr. Peregrine Coney, a "pious and good gentleman, the credit of the clergy in this province, happening one day by the Governor's means a little disguised in drink," the Governor sent for him to perform divine service, though he excused himself. Knowing the condition he was in, the Governor yet commanded him in, exposed him to the congregation, calling him dog, and then ordered him to be turned out of doors. (6) He offered a sum of money towards building a popish chapel at Annapolis. (7) He opened the popish chapel at St. Maries, which was shut up from the Revolution till his arrival, and then allowed them publicly to say mass, nearly in view of a Court of Justice. (8) He has often attempted to debauch several young women, gentlemen's daughters, in this province. (9) It is publicly reported here that he ravished a Quaker girl in Pennsylvania. (10) In his unreasonable passion he has often cursed and sworn very profanely before and after receiving the sacrament. (11) His open hypocrisy and profaneness have made more proselytes to the Roman religion than all the arguments of the Jesuits. More have turned to that religion during his Government than in forty years before, viz., 60 in St. Maries County, and more in Charles County last year. (12) By forcing people to swear on every frivolous occasion he causes many to

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forswear themselves. (13) It is usual with him to fall a cursing and swearing and to beat, wound and abuse several good inhabitants immediately before and after coming from prayers. (14) In his usual discourse with the inhabitants it has always been his custom to avoid speaking of the King as King William, but to use general terms, such as the King and Crown of England. (15) He has also avoided giving Commissions to the military officers, for what reason is unknown, though often requested to do so. (16) He chambers and threatens members of Assembly with ruin unless they assent to his proposals. (17) In July, 1696, he took the Speaker's seat without consent of the House, called him rogue and rascal and threatened him with ruin. In the same Assembly he threatened the Representatives of the whole province with imprisonment in his dungeon built at Annapolis for not complying with his unreasonable demand, intimating further that he expected a rising of their counties, which would enable him to hang them all up. (18) He opposed the King's orders as to giving assistance to New York, advising the Assembly to find some way to avoid them; and in May, 1697, when there was £400 or £500 in bank and the Assembly was willing to contribute it, he pressed them to dispose of it otherwise, except £160, which he pretended was the whole stock. (19) He issues warrants for the seizure of persons and of their personal estates on bare information of frivolous crimes. (20) In January, 1698, he summoned divers persons to appear before him and Council at Battle Town in Calvert County, and then caused them to give on oath answers to sundry questions intended to clear him from the accusations of Gerard Slye; nor would he allow the deponents to read them or take copies of them. (21) The writs for a new election to the Assembly were issued by the Governor and Council bearing date of the time of taking these depositions. (22) The members thus elected met in February, were prorogued to the 8th of March and then to the 10th, when a full House of Assembly appeared at Annapolis. (23) The reasons given by the Governor for calling an Assembly were business with the Indians, the settling of the militia and redress of grievances, but before they could proceed to business he laid before them certain articles preferred by Gerard Slye against him and asked them to vindicate him. The Assembly first considered and dealt with the questions of the Indians and militia, and then addressed the Governor as to public grievances; but as the grievances interfered with the articles, the Governor, instead of redressing them, asked who presented them to the Committee of Grievances, and demanded likewise to know the names of the Burgesses who had voted the same to be grievances. This unprecedented and

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unparliamentary proceeding satisfied the House that he designed to redress no grievances, and they therefore prayed him to put an end to the Assembly. He kept them, however, for eighteen days afterwards, offering no business to them except the said articles and some other matter about Sir Edmund Andros and Mr. Penn, which they conceived to be of no interest to the King or that country, but to arise from private difference and prejudice. They therefore refused to meddle with any of the said matters, and begged him not to detain them then on business which was not for the country's good, and to which they could not in conscience consent. They received several threatening answers and after twenty eight days' sitting resolved to address the King. The Governor, on understanding this, prorogued them to the 3rd of May. All of these matters appear in the Journal of Assembly, which for his own ends he violently and with menaces of present durance in a dungeon extracted from the Speaker, who by order of the House was to have the keeping of the said journal, which was a duplicate of another returned to the Secretary's office by the Clerk of Assembly. The House gave this order to prevent his abuses in altering their journals, as to their great damage and experience they have been served. 7 pp. [*America and West Indies*. 558. Nos. 7, 71.]

May 26. **509.** The Secretary of Massachusetts to William Popple.
Boston. Advising the despatch of Minutes, Journals and Acts. Lord Bellomont is still at New York, where he arrived on 2 April. Signed, Isa. Addington. 1½ pp. Endorsed, Recd. 5 Sept. Read 26 Oct., 1698. [*Board of Trade*. New England, 9. No. 27; and 37. pp. 25-26.]

May 26. **510.** William Popple to the Attorney and Solicitor-General.
Whitehall. Forwarding an Act of Massachusetts of 1697, prohibiting the export of coin and bullion, for the opinion of one of them thereon. [*Board of Trade*. New England, 36. p. 385.]

May 26. **511.** Minutes of Council of Massachusetts. A General
Council appointed for 3 June for choosing officers in cases of vacancy and necessity. [*Board of Trade*. New England, 49. p. 153.]

May 26. **512.** Council of Trade and Plantations to the King. As the
Whitehall. time for the sailing of the convoy to Newfoundland is come, we recommend that, as there is no Governor or Government there, the Commander-in-Chief of the convoys should have superior command over the forts and soldiers during his stay and should inspect and report on all the stores. Signed, J. Bridgewater, Ph. Meadows, Wm. Blathwayt, Abr. Hill. [*Board of Trade*. Newfoundland, 25. p. 232.]

May 27. **513.** Governor the Earl of Bellomont to the Commissioners
New York. of Customs, I have by this conveyance reported to the Lords of the Treasury and the Council of Trade the decrease in the revenue of

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New York, notwithstanding the great increase of trade, owing to the corruption of the Custom-house officers with the connivance of the late Government. I have already checked their licentious practices by the seizure of a ship, but the observance of the Acts of Trade was so great a novelty that it gave as great discontent as the infringement of their charter. I have some information of the ill behaviour of Mr. Chidley Brooke, and when the proofs appear I will send them to you. Meanwhile I fear that I shall be forced to suspend him for his remissness and backwardness. With good officers to assist me I am well assured that the Customs-revenue would be advanced. Mr. Randolph I find is an active and intelligent officer, but his employ will not suffer him to be long in one place. He was here last, but is now gone towards Boston. He told me that he would report to you how often ships of unfree bottoms and prohibited goods unlade in Connecticut without interruption, and then the empty vessels come to New York, there being no provision of officers yet made in that Colony. There are likewise several ships that go from New York to Madagascar and (as is supposed) trade with pirates; nor do we know how to remedy it. The publication of the Royal order as to the Jerseys has given great satisfaction here. Arrest was lately laid on Mr. Randolph in this city for a seizure made in Virginia, which was perfectly regular and in discharge of his duty. I considered that if such vexation and trouble were permitted to be done him, the King's service could never be done, for his arrest might be so timed as to prevent a considerable seizure and his securities at home are answerable for any mismanagements; yet I could not tell how to stop the regular course of the law. I could only send for the parties and tell them how ill I took their proceedings against a King's officer, what damage it might be to the King's affairs, and that, unless they had good cause of action, they might be sure of all the discountenance that I could give them forever. However, security was ordered to be given for Mr. Randolph and he proceeded to Boston. I wish some method could be found in future to prevent such rubs in the officers' ways, and that I may have orders therein. I have appointed Thomas Palmer to be Naval Officer. *Certified copy.* 1 p. *Endorsed*, Recd. Read 9 July, 1698. [*Board of Trade.* New York, 7. No. 71; and 52. pp. 353-356.]

May 27. 514. Governor the Earl of Bellomont to William Popple.
New York. Giving a list of the packets forwarded to the Council of Trade. Signed, Bellomont. 1 p. *Endorsed*, Recd. Read 6 July, 1698. [*Board of Trade.* New York, 7. No. 72; and 52. pp. 311-312.]

May 27. 515. William Popple to Daniel Parke. Forwarding a list of
Whitehall. queries, identical with those sent to Henry Hartwell (*see preceding Vol. No. 1320*) for his answers thereto. [*Board of Trade.* Virginia, 37. p. 207.]

May 28. 516. Mr. Pulteney to William Popple. In answer to yours
St. James's. of 25th, the Victualling Board attended Lord Romney at the Ordnance Office some days ago, and said that they should not require a store-keeper in Newfoundland, whereupon, to ease the charge of the office, Lord Romney and the Ordnance Board resolved that the master-gunner there should act as store-keeper, receiving

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a small additional allowance for his trouble. As to the chain, boom, etc., I am informed that the Ordnance never provide such things, and therefore they were not included in the estimate sent by that Board. The person intended to be master-gunner at Newfoundland is now there, so that if the Council of Trade has any instructions for him, Lord Romney will transmit them. *Signed*, J. Pulteney. 1 p. *Endorsed*, Recd. 28, Read 30 May, 1698. [*Board of Trade*. Newfoundland, 3. No. 116; and 25. p. 233.]

May 28.
Maryland.

517. Governor Nicholson to Council of Trade and Plantations. I have received yours of 27 October, 17 November, and 23 February last. I should have written earlier, but this is the first safe opportunity, for the ship *Jeffreys*, which was designed to have sailed before Christmas, has been hindered through the winter setting in very early. It was very sharp with great frosts and snows, and did not break up until the latter end of March. These were the reasons why the tobaccos were not struck and put into the hogsheads, so that the ships could not load, though there is more in the country this year (as also goods) than there has been since the war, which makes tobaccos in the country bear a good price and encourages the planter. It has been a very sickly winter and spring (and in some places still continues so) so that by common computation eight or nine hundred people have died; but from five to six hundred servants have been brought in, and four or five hundred negroes are expected in the summer. But I hope to give you an exact account of all. I fear that your letter of 2 September must have miscarried in *H.M.S. Swift*, for it has not reached me. With the Council's advice I laid before the Delegates some paragraphs of your letter of 17 November, but they have very undutifully not answered your directions concerning an Agent. Still we thought it our duty as far as in us lay to comply with your commands, and have desired Sir Thomas Laurence, the Secretary, to represent to the King, pursuant to your orders to him, the full state, both ecclesiastical and civil, of the province. I send two catalogues of the papers sent by him. *Signed*, Fr. Nicholson. $1\frac{1}{4}$ pp. *Endorsed*, Brought to the Board by Sir Thomas Laurence. Recd. 20, Read 21 July, 1697. [*Board of Trade*. Maryland, 3. No. 47; and 9. pp. 182-183.]

[May 28.]

518. A collection of papers brought to the Council of Trade, together with the preceding letter, by Sir Thomas Laurence.

518. i. A catalogue of the papers sent by the hand of Sir Thomas Laurence, with his receipt for the same. 3 pp. *Endorsed*, Recd. 21 July, 1697. Read 25th. *Entered in Board of Trade*. Maryland, 9. pp. 184-188.

518. ii. A second catalogue of further papers, with a like receipt. $1\frac{1}{4}$ pp.

518. iii. A list of the Addresses to the King comprehended in the papers aforesaid. $\frac{1}{2}$ p. *Endorsed*, Recd. 25 July, 1697.

518. iv. Council of Maryland to Council of Trade and Plantations. The Governor has communicated to us your letter of 17 November, and we thank you for your care of us. The greater number of the Delegates have

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so far overlooked their duty and interest as to refuse joining with us in so important a matter as the sending of an Agent, passing it over in silence and addressing themselves to matters of far less moment. We cannot hold ourselves so discharged, and therefore offer you this true account of some disturbances lately raised by some ill-disposed persons in Maryland. It is known to you that before the King took this province under his immediate government, it was under Lord Baltimore, a professed Roman Catholic, as were also the greater part of his Council, who though they shewed outward respect to the Protestants would not consent to any establishment by law for the support of the Protestant clergy. There were therefore few clergy in the province, and they had no other subsistence than what was given to them voluntarily, for want of which the generality of persons well affected to the English Church were little instructed and ignorant of the true principles of religion, while the Papists were constantly supplied with priests to instruct them in their way. But after the King took over the Government, the Assembly, being all Protestants, took care of religion in the first place and made provision for the clergy by Act of Assembly. By the influence hereof over thirty churches have been built and more are building, together with a free school at Annapolis; and several able divines are come over to us, so that the Church Government is in a hopeful way of establishment. Lately, however, Lord Baltimore's Agents and dependents have spread divers reports that the King would shortly deliver the Government to Lord Baltimore. Hence we now find great coldness and even aversion to carry on and perfect so good a work, and this even in professed Protestants, especially those who have any dependence on Lord Baltimore. We cannot doubt that there are many of these, for the following reasons; (1) Lord Baltimore holds all the lands in Maryland, mediately or immediately, and all rents and escheats; he claims all waifs, strays, wild cattle and the like; and all lands untaken up are purchased from him. Since he has not been earnest in gathering his rents, we compute that not less than two millions of tobacco are due to him, so that many persons are in his debt. (2) Lord Baltimore having all escheated lands and having refused to open the escheat office since the Revolution, many people depend on him for purchasing such escheat lands. (3) Many of his relations are married to Protestants, and the expectation of office and employment draws many to his interest. These reports have much distracted and troubled the Protestants of Maryland, to the great prejudice of a pious work and the endangering of the Act, insomuch that some of the Delegates said they would endeavour to take off the 40*lbs.* of tobacco *per* poll,

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levied for support of the ministry. We beg therefore that we may be retained under the King's immediate Government, which we hope will firmly establish the Protestant religion among us and reform the lives and manners of the people; for if Lord Baltimore be restored, we fear that all our pious endeavours will be defeated, and that this country will slip back into the same ill-circumstances as formerly. We beg you to question Mr. Thomas Laurence hereon, upon whom we so wholly depend that we have desired him to act as our Agent. If indisposition prevents him from attending you, we beg you to summon Captain Richard Hill, who has voluntarily offered to wait upon you. *Signed*, Hen. Jowles, Canc., John Courts, Thomas Tench, John Addison, Tho. Brooke. 3 pp. *Endorsed*, Recd. 21, Read 25 July, 1697. *Entered in Board of Trade*. Maryland, 9. pp. 189-193.

518. v. Reports of the Sheriffs as to the numbers of priests and dissenting Ministers in Maryland. *Ann Arundel County*. There is neither priest nor lay brother. The Quakers have one new timber-work meeting-house, where they keep their annual meeting. They have their weekly and monthly meetings at other houses (*names given*). *Baltimore County*. There is neither teacher nor place of worship, either of Quakers or Roman Catholics. *George's County*. The same. *Calvert County*. No priest nor lay brother, nor church nor chapel of the Roman Catholics. The Quakers have one very old meeting-house. *Charles County*. Three Romish priests, two of them Jesuits, one a Franciscan, and one lay brother. There is a chapel, forty feet by twenty, and twenty years old, near Newport town, also another chapel. There are two Quakers but no meeting-houses. *St. Maries County*. Two Romish priests, one lay brother. One brick chapel and three wooden chapels. No Quakers. *Somerset County*. No priests, lay brothers, nor chapels. No Quakers; two dissenting chapels. *Dorchester County*. No priests nor dissenters. *Talbot County*. No priest nor lay brother. A clapboard chapel at Doncaster town. The Quakers have five meeting-houses. *Kent County*. Three papists, no priest nor lay brother. Twenty-four Quakers. They have a meeting-house thirty feet by twenty, near which is a piece of ground paled, where they bury their dead. *Endorsed as No. iv*.
518. vi. List of ships built in Maryland since the King's reign; and list of vessels and seafaring men belonging to the province, arranged in counties. 8 pp. *Endorsed*, Recd. 21 July.
518. vii. Copy of a petition of several masters of ships to Governor Nicholson. That a severe law may be enacted to punish all who entertain runaway seamen and that a reward may be offered for the capture of

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such runaways. In Pennsylvania deserters are not only winked at, but encouraged by specious promises of excessive wages. *Copy. 1½ pp. Endorsed as No. iv.*

518. viii. Copies of a correspondence between Governor Nicholson and Sir Edmund Andros.

Sir Edmund Andros to Governor Nicholson. Virginia, 15 March, 1698. Captain Bostock acquaints me that H.M.S. Swift (which was drove ashore near Roanoke) is washed up higher than she was, but without any damage. He doubts not to save her. I am hastening a sloop to her.

Captain Bostock to Governor Nicholson. Essex prize. Point Comfort, 5 April, 1698. I wrote to you from North Carolina of H.M.S. Swift being there, but robbed of all her provisions and stores. Your letters are burned, but the body of the ship is whole, as I have written to Sir E. Andros for assistance. I had orders to ask for your instructions on coming out here, and I now beg for them as, if the vessel be saved, I shall be glad to comply with them. I am doing all I can to get the necessaries for saving her.

Governor Nicholson to Captain Bostock. Annapolis, 26 April, 1698. I am sorry to hear of your misfortune. I should advise you to bring your ship here if possible, and I will do all I can to help you to refit her, though the King unfortunately has no naval stores in this province. Pray tell me how I can give you any assistance at present. *Copies. The whole, 2 pp. Endorsed as No. iv.*

518. ix. Copies of two letters as to Indians and the Rangers.

John Addison to Governor Nicholson. 19 May, 1698. Six rangers are at the head of the Eastern shore, six more at the plantation where James Lile was killed at the mouth of Goose Creek. They range out three out of each company, weekly by terms. Captain Richard Owen has been up at the Sugar-loaf Mountain on this side, his last time out, but saw no Indians, though the woods there were newly burned. Colonel Beale and his party last week ranged up to the Eastern branch, headed Kock Creek and so down Potomac, but discovered nothing. My family, like my neighbours, remain very sickly. $\frac{1}{2}$ p.

William Hutchinson to John Addison. 18 May, 1698. I have received yours of yesterday, telling me that the Governor looks for a report of the Indian Emperor's communication with us. The reason why we gave no report is that we knew not what to make of what he said. His reason for coming over was to deal here, but he brought little to deal for. We asked if he intended to return into this Government, which he seemed at some times to be willing to do (though not this year) and other times unwilling, saying that if mischief were done, they would be blamed for it. We asked him to go to the

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Governor and acquaint him of their intentions and of the causes of their not coming according to their promise. He said he had not then time but would meet the Governor at Francis Morbory's (?) in ten or fourteen days (of which he spent seven or eight drinking here in several houses). We desired him to appoint a certain day for meeting the Governor and we would acquaint His Excellency of it, but he pretended he would not. Sometimes he would talk as if he meant to be as friendly as formerly; at other times he brags of his readiness to fight and of the greatness of his army; at other times he would say that when he met the Governor he would acquaint him of his grievances, and if they were redressed, all would be well. But indeed his discourses to us were so various that nobody could tell what to make of them. Mr. Hatton being sick had little discourse with him.

$\frac{1}{2}$ p. *The whole endorsed as No. iv.*

518. x. Docquet of causes awaiting trial at the Provincial Court on the 6th of April, 1698, upon navigation and other bonds passed to the King, fifty-four in all, besides four on which judgment had been obtained for the King. 5 pp. *Endorsed as No. iv.*

518. xi. Copy of Arnold Nodine's patent of denizenation and of the proceedings against him for breach of the Act for preventing frands. 2 pp. *Endorsed as No. iv.*

518. xii. Copy of an Act of Naturalisation of Stephen Francis, Geo. Slacomb and Peter Doudee. 10 June, 1697. 1 p. *Endorsed as No. iv. [Board of Trade. Maryland, 3. Nos. 47 I.-XII.]*

[May 28.] 519. Three documents sent from Maryland by the same conveyance as that which brought Governor Nicholson's letter of 28 May.

519. i. Address of congratulation from the Governor in Council to the King on his safe return from the war. 1 p.

519. ii. Address of the Council of Maryland to the King on the peace. 1 p.

519. iii. Address of the General Assembly of Maryland to the Council of Trade and Plantations, as to the capacity of Maryland to furnish naval stores. *Duplicate.* 1 p. [*America and West Indies.* 558. Nos. 8 I.-III.]

May 30. 520. Journal of House of Representatives of New York. On a petition from Samuel Staats and others (p. 952) time was granted them till the 1st of June to make their answer to Ebenezer Wilson. Order for Josiah Hunt, Henry Fowler and John Shute to attend and make good their petition, and for Benjamin Collier, sheriff of Westchester, to attend likewise to answer them.

May 31. John Harrison, sheriff of Queen's County, presented his answer to the petition of Content Titus and others as follows (p. 958). I cannot be held responsible because I followed the usual rule in polling instead of writing the names of the persons to be chosen on paper, as the petitioners suggest. It is alleged that I refused a

1698. regular poll. On the contrary I allowed it, and by that poll there was a majority of eighty for the members that I returned. *Answer ends.* Resolved that John Harrison's return is a good return.
- June 1. Samuel Staats and others presented their reply to Ebenezer Wilson as follows (*p.* 952). The sheriff seeks to justify himself by a statute of Henry VI., made long before these Colonies were part of the dominions of England. If he was right to exclude the freeholders of Orange County he should have excluded also those of New Rochelle and other places, which would greatly diminish the number of votes for the persons that he returned. He pretends that he left the people of Orange in dispute; his return shews that he allowed of them. It is useless for him to pretend to justify his adjournment of the poll, time and place of election under a statute of Henry VI., for the statute of 7 and 8 William III. enacts that the sheriff shall not adjourn the poll without consent of the candidates. It is not true that he did not abuse one of the candidates; he did so by pulling Leonard Lewis by the arm and drawing his chair from under him. The scrutiny was irregular, for the sheriff took the whole of it upon himself and would not allow the witnesses to share in it. *Answer ends.* Depositions put in by Ebenezer Wilson were read in accordance with his petition (*p.* 954) and the question being put, the House after debate resolved that the return given in by Wilson was lawful. Message to the Governor asking that accounts of the taxes and additional duty be laid before the House.
- June 2. The Governor, at the request of the House, sent down a copy of his commission. John Clapp delivered up his records as ordered.
- June 3. Benjamin Collier attended and gave in his answer to the petition of Josiah Hunt and others as follows (*p.* 960). The two persons returned were the only candidates, whereupon I returned them. It is true that some of the freeholders cried "We protest against this election," but they offered no reason and named no other candidate. It is not true that many that voted for the members returned were not freeholders, nor that artifices were used to hinder freedom of election. The time appointed for the election was 10 a.m. and the return was not signed till 5. *Answer ends.* Resolved unanimously that Benjamin Collier's return is a just return. The Governor's recommendations as to reconciling parties and regulating elections were considered, and a committee was appointed to draw up bills for that purpose.
- June 4. The Committee appointed yesterday asked for further time to draw up the bills. Adjourned to 6th. *Printed.* [*Board of Trade.* New York, 72. *pp.* 941-943.]
- May 30. **521.** Edward Randolph to Council of Trade and Plantations.
Boston. I left New York on 21st inst. and came on the 24th to Rhode Island, where Walter Clarke (a Quaker) who had for several years been Governor, left the place, because he would not take the oath enjoined by the Acts of Trade. Samuel Cranston (Clarke's nephew) is now Governor there to the same end as Governor Markham in Pennsylvania—only to take the oaths enjoined by the Act for preventing frauds—but the management of the Government (such as it is) is in the hands of Quakers and Anabaptists. Neither judges, juries, nor witnesses are under any obligation, so

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that all things are managed there according to their will and interest. Mr. Brenton delivered the Commission to the several officers of the Court of Admiralty to be erected in the country, which Mr. Clarke, the late Governor, opposed. Colonel Peleg Sanford, judge of the said Court, went to Walter Clarke, when he was Governor, to be sworn. Clarke took his commission from him and carried it to the Assembly, telling them that to allow a Court of Admiralty to be erected would utterly destroy their charter, whereby they are empowered to erect a Court of Admiralty and appoint its officers. Clarke absolutely refused to return to Sanford his commission, when requested, and the present Governor likewise refuses to administer the oath to him on the plea that he has no authority. Not long before my landing in Rhode Island eight pirates came in from Fishers' Island (belonging to Connecticut) with a great deal of money and East India commodities, which they brought from Madagascar in their brigantine, now lying at New York. When H.M.S. Fowey arrived in Rhode Island Harbour six of them made their escape to Boston with a great quantity of goods and money, but two of them, George Cutler and Robert Munday, were seized, and about £1,400 or £1,500 in silver and gold taken from them. They are now (as the Governor tells me) in his custody. They had not been in prison above two days when they were admitted to bail by the Governor's order (as I am informed), Gresham Clarke, one of the Governor's uncles, being their security. Thus they have opportunity to make their escape, leaving their money to be shared by the Governor and his two uncles, who have been very great gainers by the pirates which have frequented Rhode Island. Three or four vessels have been fitted out from thence to the Red Sea. Walter Clarke, the late Governor, and his brother, now Recorder of the place, have enriched themselves by countenancing pirates. Their deputy, John Greene, granted a commission to one of the pirates who went to the Red Sea, without any security given by the master. The House of Deputies being the law-makers take no oaths or engagements; they raise money upon such of the inhabitants as are not freemen of their Corporation, which they have no power by their charter to do. Walter Clarke called the people together to sign the association. He told them that such as would might sign it, but since he himself refused to sign it the people from his example neglected to do it. There are many men of good estates in Rhode Island groaning under the oppression of this lawless Government, who would do the King faithful service if the country were either put under his immediate Government or annexed to Massachusetts. They have offered to allow £500 to the support of a Governor to be appointed by the King. Till that is done it will be impossible for Lord Bellomont to suppress illegal trade and piracy, which long have been and still are notoriously supported and countenanced in Rhode Island. That my statements may be confirmed I beg the Council of Trade to order that an authentic copy may be made of all the laws of Rhode Island (now kept in loose papers) and sent to England, after they have first been duly compared by Colonel Peleg Sanford and Mr. Francis Brenly, both of them men of good estates. Their ignorance in making laws and their arbitrary execution of them will

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then easily demonstrate that they are no way capable to govern the people of the Colony. *Signed*, Ed. Randolph. *Postscript*. 6 June, 1698. I hear to-day that the Governor of Rhode Island intends to appoint a Court for the trial of Cutler and Munday (whose money he holds in his hands) and, in case no one appears to prosecute them for piracy, to acquit them and return them their money; and this although the King's circular letter against piracy has been received in Rhode Island. Walter Clarke is highly displeased that the oaths enjoined by the Act for preventing frauds is to be taken by the Governor of Rhode Island and also because the King has ordered the erection of a Court of Admiralty there. I hear that he is appointed Agent to represent the Colony's grievances to you. They are raising money on the inhabitants to pay his expenses. *2½ pp.* *Endorsed*, Recd. 5 Sept. Read 20 Oct., 1698. [*Board of Trade*. Plantations General, 4. No. 116; and 34. *pp.* 362-367.]

- May 30. **522.** Memorandum of the receipt of the foregoing letter. $\frac{1}{4}$ p. [*Board of Trade*. Proprieties, 2. No. 20.]
- May 30. **523.** Extract from a letter of the Council of Trade to Mr. Secretary Vernon. Asking him to move the King to order ten barrels of powder, a small quantity of cartridge-paper, and two or three colours for the forts, to be sent to Bermuda. *Signed*, J. Bridgewater, Ph. Meadows, Wm. Blathwayt, Abr. Hill. [*Board of Trade*. Bermuda, 29. p. 116.]
- May 30. **524.** Journal of General Assembly of Massachusetts. Bills to establish forms of writs for the General Court, to establish precedents, and to establish Ports, read a first time and committed.
- May 31. The two bills first named were ordered to be engrossed and sent to the Representatives. The Ports Bill was read a second time. A petition of Abraham Williams for leave to appeal from the sentence of a county justice, granted. A bill as to Pounds, received from the Representatives, was read a first time; also a bill for regulating tanners, curriers, etc.
- June 1. Two new Councillors were sworn. The Tanners and Ports Bills were twice read and sent down to the Representatives. A resolution for granting 500 acres of land to William Habberfield for his good service in promoting the trade of cloth-working was sent down to the Representatives.
- June. The Pounds Bill was read a second time. Resolutions of the Representatives for the stating of rates of impost and tonnage of shipping, read. Bill to regulate cordwood read a first time. Committee appointed to inspect and report as to the making of a township at Framingham.
- June 3. A bill to revive expiring Acts was read several times and sent down for concurrence. A bill as to highways was received from the Representatives and voted to be engrossed. The resolutions as to duties and tonnage were amended and returned to the Representatives. The Cordwood Bill was read four times and sent down for concurrence.
- June 4. The Pounds Bill was read a third time. Bill to enable Abraham Williams to appeal read, and resolved to be sent down for concurrence. [*Board of Trade*. New England, 48. *pp.* 225-230.]

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May 30. Whitehall. **525.** Council of Trade and Plantations to Mr. Secretary Vernon. We have pressed the Board of Ordnance for materials for the boom in Newfoundland and have received the enclosed answer (*No.* 516). Please take the King's orders herein, for the convoy is ready to sail. We beg also for his orders to send a small quantity of powder and one or two more articles for Bermuda. *Signed*, J. Bridgewater, Ph. Meadows, Wm. Blathwayt, Abr. Hill. [*Board of Trade.* Newfoundland, 25. *p.* 234.]
- May 30. Whitehall. **526.** William Popple to William Lowndes. Please remind the Treasury of the money that is required for the payment of soldiers in Newfoundland, as the convoy is ready to sail. £1,000 is considered sufficient. [*Board of Trade.* Newfoundland, 25. *p.* 235.]
- May 30. **527.** Journal of Council of Trade and Plantations. Mr. Pulteney's letter of the 28th inst. read (*No.* 516). The Board at once wrote to Mr. Vernon thereupon, and gave orders to the Secretary to write to Mr. Pulteney (*No.* 529) and to the Secretary of the Treasury (*No.* 526), upon other matters relating to Newfoundland.
Mr. Day representing the want of stores of war in Bermuda, a postscript was added relating to the same in the letter to Mr. Vernon. A copy of the instructions drawn up for Governors concerning the Acts of Trade was also given to him.
Mr. Blathwayt produced a letter from Increase Mather asking that the Act for incorporating Harvard College might not be considered until he should arrive in July or August.
Business of Virginia further considered.
- May 31. On the request of Edward Walrond, order was given for a letter to the Admiralty desiring that Gabriel Maccrackan and William Delaval, seamen of H.M.S. Newcastle, might attend the Board.
Order for the warrant for use of the new seal of Bermuda to be delivered to Mr. Day.
Business of Virginia further considered.
- June 1. A letter from Mr. Secretary Vernon read, ordering a commission to be prepared for Colonel Nicholson to succeed Sir Edmund Andros as Governor of Virginia.
Letter to Mr. Vernon enclosing instructions to Mr. Day for the King's signature.
- June 2. Mr. Bridgeman's letter of yesterday as to two seamen of the Newcastle read (*No.* 531). Order for the Secretary to acquaint Mr. Edward Walrond therewith, and further that if he draw up interrogations to these men, the Board will send them to some proper person for examination of the men upon oath.
Letter to Mr. Day signed (*No.* 538).
Instructions for Governor Nicholson considered.
- June 3. Draft memorials for the Commodore of the Newfoundland Squadron approved. Order for the Admiralty to be acquainted that it is the King's pleasure that the Commodore be Commander-in-Chief during his stay there.
Mr. Vernon's letter of yesterday as to Hudson's Bay read (*No.* 537). Order for the Company to attend on Monday.
Governor Nicholson's instructions further considered. [*Board of Trade.* Journal, 11. *pp.* 81-88.]

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May 31. **528.** Mr. Secretary Vernon to Council of Trade and Plantations. Sir Edmund Andros having resigned the Government of Virginia, the King is willing to comply therein and has appointed Colonel Francis Nicholson to succeed him. You will therefore prepare a commission and instructions. *Signed*, Ja. Vernon. $\frac{1}{2}$ p. *Endorsed*, Recd., Read 1 June, 1698. [*Board of Trade*. Virginia, 6. No. 45; and 37. p. 208.]
- May 31.
Whitehall. **529.** William Popple to John Pulteney. I enclose an account of the provisions lately sent to Newfoundland by the Victualling Board to be transmitted to the master-gunner, whom the Ordnance Board have appointed to be store-keeper. I enclose also a copy of instructions from the Victualling Board as to the distribution of these provisions in the intended proportion. [*Board of Trade*. Newfoundland, 25. p. 235.]
- May 31.
Jamaica. **530.** Governor Sir William Beeston to William Popple. I have received yours of 23 February, and have noted your directions; but the ream of paper, which you mention, has not yet reached me. There are several Acts which have not received the Royal assent; it will be a favour to the island if you will lay them before the Council of Trade for that end, though indeed the Act of the 7th and 8th of the King has made all our laws so precarious that no man knows how to act by them or if he can be justified by anything he does in them, which puts all people to a stand and will cause many to leave the place as fast as their circumstances will allow them. Instead of encouraging the island, which it needs after so many and great losses, it will discourage the settling of it; so that it will not be able to defend itself, but will remain an easy prey to any considerable invader. Since I cannot remedy this, I must acquiesce in it. *Signed*, Wm. Beeston. *Holograph*. $\frac{3}{4}$ p. *Inscribed*, Recd. 2nd, Read 3rd August, 1698. [*Board of Trade*. Jamaica, 8. No. 89; and 56. pp. 211-212.]
- June 1.
Admiralty Office. **531.** William Bridgeman to William Popple. In answer to yours of 31st ult., H.M.S. Newcastle is at Plymouth, where she is to be laid up. If the Council of Trade desires that the two men mentioned in your letter should attend them, the Admiralty will give orders for the same, upon your letting me know. *Signed*, Wm. Bridgeman. $\frac{1}{2}$ p. *Endorsed*, Recd., Read 2 June, 1698. [*Board of Trade*. Leeward Islands, 5. No. 82.]
- June 1.
Whitehall. **532.** Council of Trade and Plantations to Mr. Secretary Vernon. Forwarding certain instructions drawn up by the Commissioners of Customs for the Governor of Bermuda, for the Royal signature. *Signed*, J. Bridgewater, Ph. Meadows, Wm. Blathwayt, Abr. Hill. [*Board of Trade*. Bermuda, 29. p. 118.]
- June 1. **533.** Minutes of Council of Virginia. The Duke of Shrewsbury's letter of 25 September, 1697, was read, and orders were given for publishing the Royal proclamation against pirates. The letter of 23 February, 1698, from the Council of Trade, was read, and orders were given for publishing the Royal proclamation to prohibit the King's subjects from entering the service of foreign princes. Order for discharge of a ship-master's bond. The further consideration of

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the revision of the laws was deferred to next Council. On the question of a Ports Act the Council resolved that the appointing of places for the loading and unloading of ships answers the purpose of such an Act. [*Board of Trade*. Virginia, 53. pp. 122-124.]

June 1.

534. Minutes of Council of New York. The joint Address, of congratulation and thanks to the King, was approved and signed by the Governor, Council and Assembly. The Governor laid before the Council the arrears of money due to the Victuallers for the subsistence of the King's Companies and their immediate need of £300. Resolved to advance that sum from the King's revenue on the credit of the subsistence due; and a warrant was issued for its payment accordingly. On the request of the Assembly for the accounts of the additional duty and taxes, orders were given for the same to be drawn out and presented to them. [*Board of Trade*. New York, 72. pp. 99-102.]

June 2.

535. Minutes of Council of Antigua. Orders for Richard Buckeridge and Samuel Martyn to attend next Council and answer complaints against them. [*Board of Trade*. Leeward Islands, 64. p. 260.]

*June 2.
Islington.

536. Edward Walrond to William Popple. Since the Council of Trade accept the depositions of Gabriel Maccrackan and William Delavall, as authentick, I have no more to ask of these witnesses. My reason for proposing to send for them was that nothing might be objected to the validity of their evidence, and indeed (considering with whom I have to deal) my circumstances would not admit me to take those strict methods which are necessary in a judicial process. Signed, Edward Walrond. $\frac{1}{2}$ p. Endorsed, Recd. Read 6 June, 1698. [*Board of Trade*. Leeward Islands, 5. No. 83.]

June 2.
Whitehall.

537. Mr. Secretary Vernon to Council of Trade and Plantations. The Hudson's Bay Company having applied to the King that the Governor whom they are sending thither may have a Commission like to that which was granted by King James II., I enclose a copy of that Commission for your opinion whether any alterations therein are necessary in consequence of the late treaty. Signed, Ja. Vernon. $\frac{1}{2}$ p. Endorsed, Recd. Read 3 June, 1698. Enclosed,

537. 1. Copy of King James II. Commission to the Governor of Hudson's Bay Territory. 13 May, 1688. 1 p. [*Board of Trade*. Hudson's Bay, 2. No. 22, 221.; and (without enclosure) 3. p. 70.]

June 2.
Whitehall

538. Council of Trade and Plantations to Governor Day. The time of your departure being now at hand, we shall send you the new public seal for Bermuda, copy of a memorial relating to the public lands in Bermuda, a copy of the Treaty of Madrid, certain instructions from the Commissioners of Customs, the proclamation forbidding the King's subjects to take service with foreign princes, and a copy of the Jamaica Act for restraining and punishing pirates. You will use your utmost endeavours to procure the passing of a like Act in Bermuda. Signed, J. Bridgewater, Ph. Meadows, Wm. Blathwayt, Abr. Hill. [*Board of Trade*. Bermuda, 29. pp. 119-122.]

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June 2. **539.** Commission to Captain John Norris, Commander-in-Chief of the convoy to Newfoundland, empowering him to take command of the forts and soldiers and to inspect the provisions and stores there during his stay. *Copy.* 1½ pp. *Endorsed*, Reed. Read 21 June, 1698. [*Board of Trade.* Newfoundland, 3. No. 117; and 25. p. 249.]
- June 3. **540.** Blank Commissions for the Lieutenant and Ensign of the Company appointed for the garrison of Newfoundland. *Each*, 1 p. *Endorsed*, Reed. 21 June, 1698. [*Board of Trade.* Newfoundland, 3. Nos. 118, 119; and 25. pp. 250-251.]
- June 3.
Whitehall. **541.** Mr. Secretary Vernon to Council of Trade and Plantations. The King has granted a Commission to Captain Norris to have the direction of the forts and supervision of the stores at Newfoundland during his stay there, pursuant to your representation of the 26th ult. *Signed*, Ja. Vernon. ½ p. *Endorsed*, Reed. 4, Read 6 June, 1698. [*Board of Trade.* Newfoundland, 3. No. 120; and 25. p. 236.]
- June 3. **542.** Receipt of Governor Day for the public seal of Bermuda. *Signed*, Sam. Day. *Scrap.* [*Board of Trade.* Bermuda, 3. No. 25.]
- June 3. **543.** Minutes of Council of Massachusetts. John Valentine appointed to act as public notary in the absence of Sampson Sheafe. A judge of probate and two county justices appointed. [*Board of Trade.* New England, 49. p. 154.]
- June 4. **544.** Minutes of Council of Maryland. The ream of paper sent by Mr. Popple was lodged at the Council office. Order for a messenger to be sent to Lord Bellomont. Philip Lynes reported that the poor people were flocking to the cold springs in St. Mary's County, from whence extraordinary cures were reported. The Governor sent ten Bibles for their use there and other books of devotion, and offered to pay one shilling a day to some sober person to read prayers there twice daily, and to give a reading desk and benches also, and to give the poor people every Sunday a mutton and maize enough for thirteen, at his own expense. Order for the person who reads prayers to notice who is cured and of what distempers. [*Board of Trade.* Maryland, 13. pp. 517-519.]
- June 4. **545.** Minutes of Council of New York. The Governor reported that he had received an address of welcome from the Wappingnes and Nighquighskeek Indians. £4 voted for presents for the said Indians. [*Board of Trade.* New York, 72. p. 102.]
- June 4.
Whitehall. **546.** Mr. Secretary Vernon to Council of Trade and Plantations. Forwarding a petition from George Harris for their report. *Signed*, Ja. Vernon. ¼ p. *Endorsed*, Reed. Read 17 June, 1698. *Enclosed*,
546. 1. Petition of George Harris, master of the ship Swallow, to the King. I was driven into Carolina last December by stress of weather in a voyage from Barbados to Virginia. My ship was then confiscated for breach of

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the Acts of Trade. My papers, shewing me to be a free denizen of England, were all seized and only part of them restored at my departure. I can produce your letters patent, an affidavit and certificates that I am a denizen. I beg that you will signify the fact that I am a denizen to the Court of Admiralty in Carolina, that I may indemnify myself. 1 p.

546. II. Affidavit of George Harris that he is a denizen of England; and a certificate, with ten signatures, to the truth of the same.

546. III. Certificate of a notary public that he has seen George Harris's letters of denization. 1 p. [*Board of Trade Proprieties*, 2. Nos. 21, 21 I.-III.; and (*without enclosures* II., III.) 25. pp. 206-208.]

June 4.
Jamaica.

547. Governor Sir William Beeston to Council of Trade and Plantations. I regret to have to trouble you with a relation upon an envious subject. Not long after I came to this Government Sir James Castillo (who had been administrator to the last Assiento and thereby settled himself wholly here) bought a piece of land and resolved to build a good house on it. Finding it to be situated in the pass from the east part of the island to St. Andrews, he moved that at his own charge he might build it fort-wise for the preservation of his family from privateers, and also for the assistance of the country. The Council and indeed the country thought the proposal generous as well as useful, and therefore moved that he might have a patent under the great seal to embattle the house and gun it. Mr. Brodrick either drew the patent himself or caused it to be drawn, and solicited it for Sir James. This done, a little before Mons. Ducasse's descent on the island, Sir James Castillo asked me, since he had been at so much charge for the building, to give him a commission as captain to command it. This I thought reasonable, and accordingly he took the usual appointed oaths to the King, but asked that he might not be obliged to read and sign the declaration, being a Roman Catholic. I gratified him, knowing that his all was here, that he had been at great cost and charge, and that he looked upon himself as the King's subject, being both naturalised and knighted, and besides I conceived that the King had several Roman Catholic officers in the army who had sworn fealty but would not sign the declaration. Moreover, I reflected that he had no men to defend the fort of his own but negroes, besides such troops as I might on occasion order into it, while the whole country was sensible of the advantage of the fort. Soon afterwards it was shewn to be of great use, for I verily believe that but for that fort the French would have attempted to break by that pass into St. Andrews, and had they done so it would have been very hard for us to have dislodged them and might have endangered the whole country. All people here not infected with prejudice are sensible of this.

It so happened that Colonel Lloyd (whom I appointed Chief Justice about two years ago) stopped and dined with Sir James on his way to our new Bath. Sir James treated him with civility, but after dinner when Colonel Lloyd went away, Sir James (whether

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by chance or design I know not) did not wait on him to his stirrup, at which (being naturally very ambitious and envious) he took such a pet that he meditated revenge as an opportunity presented. The two happened to meet in March in a tavern in this town, when discourse brought on words and thence ill-language, so that in the dispute Sir James brake his head. Incensed at this, and being also Chief Justice, Colonel Lloyd ordered Sir James to be secured and committed. I used my endeavours to pacify them, but could not prevail, so Sir James lay in prison all night. Next morning he came to me with the Marshal and said he was not willing to stay there longer, but desired to be delivered and to go home. Thereupon, on his own parole and Major Heathcote's promise that he should appear at the next Grand Court, I ordered the Marshal to discharge him. At this Colonel Lloyd took such a pet at once, that he has ever since been studying to do me all the harm he can; and because he thinks that Mr. Brodrick has friends in England who can be of service to him he has engaged him in his design; and this was their reason of their treating me as they did over the oath to the Act for regulating the Plantation Trade. The better to carry on their design against Sir James and to wound me through his side, Mr. Brodrick, at a Council of 25 May last, read the paragraphs of the Act about the oaths and declaration, and then made harangue that Sir James Castillo had built a fort, had a patent for it and a commission to command it, yet had not signed the test. Of this, said Mr. Brodrick, he was bound as Attorney-General to take notice; and therefore the commission ought to be taken away and the fort dismantled (which same fort he had solicited four years before). At this envious motion the Council was much disturbed, and I asked him why he had not moved this four years ago since he thought it so much for the King's service. To which he answered that he had not taken so much notice of the Act before, which was only a fallacy in him. Sir James hearing of the motion came to me and told me he thought I held him to have behaved as a good subject, and was sorry that private pique should cause so much spite to him and me and the country in general, but that nevertheless, if I ordered it, he would bring me his commission, throw down the battlements, turn out the guns and dismantle the fort. I thought it, however, unreasonable to sacrifice a thing so useful to the country to private pique and revenge, and therefore resolved to lay the whole matter before you, after which, if the King resolved that the fort should be dismantled, this should be done. Pray represent the matter to the King, for the fort is of great use and importance to the country and of no charge to it. I think Mr. Beckford and Mr. Broughton of the Council are both in England, who can give you a character of the services of Sir James and of the usefulness of the fort, as well as of the two gentlemen who so eagerly desire the razing of it in order to gratify their humour. Colonel Lloyd has gone home in these ships, being indisposed, and Mr. Brodrick talks of going soon after. By some friends that I have set to work, Colonel Lloyd and Sir James are now reconciled, but I find their ill design continues against me. For my part I have made it my whole study ever since I have been here to serve the King faithfully in all things,

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according to the best of my understanding, therefore I cannot conjecture what they will say of me and at present can say nothing in my defence. But I hope that the reports of designing men may not be taken for granted against me till my justification has been heard, when I doubt not that I shall not only answer any charges myself but send clouds of testimony in my vindication, and shew the insidiousness of these gentlemen, of whose characters I shall say no more at present than that the country will think itself easy and happy when they are both gone. *Signed*, Wm. Beeston. 2 pp. *Endorsed*, Recd. 2nd. Read 3rd August, 1698. [*Board of Trade*. Jamaica, 8. No. 90; and 56. pp. 212-219.]

June 5. **548.** Minutes of Council of Jamaica. The prosecution of Henry Archbold and others for not taking the oaths appointed by law was stayed in consideration of their good service during the late war, until the King's pleasure should be known, on their giving security for good behaviour and to take their trial at next Grand Court. Order for all others who refused to take the oath to be bound over also to good behaviour. Allen Brodrick presented a deputation from the patentee of the Secretary's office and was sworn Clerk of Council. [*Board of Trade*. Jamaica, 79. pp. 102-103.]

June 5. **549.** Governor Sir Edmund Andros to William Popple. Virginia. "This is to pray your favour in excuse for the rude dress the laws are put in, we wanting all conveniences here of putting them up handsome having neither towns nor tradesmen to furnish us with what we want." I have sent the ream of ruled paper to the Clerk of Council to be given to all officers for their use and example, that when it is spent they may provide it in like form. *Signed*, E. Andros. $\frac{1}{2}$ p. *Endorsed*, Recd. 24 Sept. Read 25 Oct., 1698. [*Board of Trade*. Virginia, 6. No. 46; and 37. p. 304.]

June 5. **550.** Governor Sir Edmund Andros to Council of Trade and Plantations. I now answer more fully your commands in your letter of 2 September. As to pitch and tar I have made enquiry of those who have most experience thereof, and I understand that the tar is much hotter and more burning than that of Sweden and no ways fit for ropes. It casts very black on wood and scorches much. Great quantities may be made, and a certain rent is the best encouragement. The methods for checking illegal traders are through the officers of the customs in their several districts and a small King's frigate appointed for this Government. The methods desirable for more effectual prevention of illegal trade are that particular places should be appointed for the loading and unloading of goods. I have consulted the Council as to your remark concerning the Ports Act and as to a draft Act to suit present circumstances, but the members present being few, the matter was adjourned to a fuller Council. As to the number of ships and seamen (as perfect as can be known) there belong to Virginia four ships, two barques, four brigantines, and seventeen sloops. There are no seamen belonging to the Government; the few that settle turn planters and leave the sea wholly, and will rarely go masters, though capable. No part of the country makes naval stores for sale except Elizabeth River, where there is annually made about 1,200 barrels of tar and

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pitch, which they burn out of knots of old fallen trees, they being not willing to be put out of their way and having no artists to undertake it, as has been experienced by money given to encourage the making of rosin from turpentine of growing pines, which yield as plentifully or more than those in Europe. Masts may be had and are usually taken every year by vessels for their uses, but they are not so good as in New England and are not fit for sale. I have reported that I have directed copies of the laws in force to be compiled into one body. I cannot find that any laws were confirmed by the King, though it is common discourse that the Act of Indemnity, the Act for Naturalisation and the Act for the two shilling *per* hogshead duty, all of the year 1680, were sent here ready prepared by the King's orders and passed here with alterations. The laws now in force, and an account of others expired or repealed, are sent herewith. On the 17th of May last I received yours of 23 February with the proclamation prohibiting the King's subjects from entering any foreign service. It has been duly published, but the question of an Agent was deferred by the Council to a fuller meeting. Your orders as to rules and methods in all writing have been communicated to all officers. Having been often indisposed since my great sickness and now not well I beg your favour for my endeavours. All is well here, though some sickness continues in the northern parts. *Signed*, E. Andros. 24 pp. *Endorsed*, Recd. 24 Sept. Read 25 Oct., 1698. [*Board of Trade*, Virginia, 6. No. 47; and 37. pp. 305-308.]

June 6.
Jamaica.

551. Governor Sir William Beeston to Council of Trade and Plantations. Yours of 23 February and 21 March and the copy of your report as to Admiral Nevill's complaint have come to my hands. For that report and for your labour and justice therein I humbly thank you. The complaint was but a malicious one, and not the only one that I have had the misfortune to have cast upon me since I have been in this post. Since the Governor and Council can dispose of all money there will be no need for the Assembly's approbation in Mr. Tyrrell's case; when therefore the Council has given its decision I will report it to you. I have duly published the King's proclamation forbidding his subjects to take service with foreign princes. Colonel Beckford's dormant commission has not yet arrived; being in England he will probably address you concerning it. I have returned the money which I took from the subsistence fund for victualling the ships, and have drawn bills on the Victualling Office for the money which I advanced myself, when my friends lent me money until I could repay it. I have twice sent the accounts of what I have received and paid on account of the regiment to the Treasury, but have as yet no notice of their receipt and approbation of it, at which I am much concerned. I beg your favour and assistance herein. It is reported here that the King of Spain is dead. If this be true I fear we shall have a warm war again in these parts, and then the intelligence which you have directed from the Windward Islands may be useful. Since the peace there have been some servants sent to this island from England and Ireland. People were very remiss in taking them off because they were held at first at a pretty high rate,

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wherefore I published a proclamation throughout the island that white servants were to be had and that those who neglected to furnish themselves according to the Act should be proceeded against for the penalty prescribed. This carried them off, and is all that a Governor can do, for it is impossible that the people can be furnished with white servants here if they are not sent to us from England. I have already answered your remarks as to pirates, that none are here, except some French who prey upon us, nor shall be suffered to come here. Nevertheless I am much pleased to find that this island, which formerly had the greatest name for privateering in these parts, should now have its laws made an example to the rest of the King's dominions.

The Portuguese have agreed with the Spaniards for the Assiento for introducing negroes into the Spanish West Indies, and have sent one of their factors hither, who is desirous to settle Sir James Castillo (who managed the last Assiento for Don Nicholas Porcio) in the same business for them. He has petitioned me about it, and I have answered it as you will see at the foot of the petition, that having no orders from the King I can do nothing until I receive them. Pray lay the petition before the King for that purpose. Here are some gentlemen—some of them of good interest—who still refuse to take the oaths for conscience sake (as they say), yet promise all obedience to the King's laws and government. They have been bound from time to time by the Grand Courts, and the Judges believing them to be peaceable men have deferred tendering them the oath, being positively unwilling to exert the extremity of the law on them and thereby ruin them and their families. They have therefore decided that these gentlemen should apply themselves to the Council, who have advised to defer the utmost rigour of the law until the King's pleasure be known. I send the Minutes of the Council on the subject to be laid before the King. The persons are all bound in great security from Court to Court till the King's pleasure be known. The country is in a very good state of health. Some seamen now and then drop off, but more through their own intemperance and irregularities than any fault of the place. I hope it will so continue, though the hot months, that use to be so sickly, are now coming upon us. *Signed, Wm. Beeston. Holograph. 2 pp. Endorsed, Recd. 2nd, Read 3rd August, 1698. Enclosed,*

551. 1. Petition of Sir James del Castillo, knight, to Governor Sir William Beeston. In the reign of King Charles II. I held the Assiento for Don Nicholas Porcio and obtained several privileges from King Charles and King James in that office. Since Porcio's death the King of Spain has agreed with the African Company of Portugal for the Assiento, which Company has offered the management of it to me. Their agents, however, have brought no authority from the King for me to undertake it, without which I cannot do so. I beg you to recommend my acceptance of it to the King, and that meanwhile I may proceed with it, under such restrictions as you think best. *Large sheet, subscribed,*

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I have no commands as to the Assiento, though I can testify that it would be most advantageous to Jamaica. I shall encourage and assist the Assiento so far as consists with the Acts of Trade and Navigation, and recommend the petition to the Council of Trade and Plantations. *Signed*, Wm. Beeston. 31 May, 1698. *Endorsed as the letter*. [*Board of Trade*. Jamaica, 8. Nos. 91, 91r.; and (without enclosure) 56. pp. 220-225.]

- June 6. **552.** Journal of General Assembly of Massachusetts. A Trespass bill was read a first time. The Tanners bill was debated.
- June 7. The Trespass bill was read thrice and sent down for concurrence. Bill to prevent the receiving of stolen goods read thrice and ordered to be engrossed. The Highways bill, the bill to revive expiring laws, the bill for writs for the General Assembly, and the Tanners bill were passed into Acts. Bill for inspecting and suppressing of disorders in licensed houses read a first time.
- June 8. Bill re-enacting a former law as to forcible entries read and sent down for concurrence, also an additional bill to the Act for regulating townships. Two orders of the Representatives for payments agreed to. Pounds bill again read and ordered to be engrossed. Bill to establish precedents passed into an Act. Resolution making Andover a frontier-town during the present rebellion of the Eastern Indians agreed to. The hearing of a case appointed for this session was postponed till next session.
- June 9. A bill to enable William Peabody to appeal to the Superior Court was read and sent down for concurrence. A bill as to Strays, received from the Representatives, was read a first time. Bill to regulate butchers read a first time.
- June 10. The Pounds bill was passed into an Act. The Butchers bill read twice and sent down for concurrence. Resolution of the Representatives for a payment for billeted soldiers agreed to. Trespass bill passed into an Act.
- June 11. Bill for relief of poor prisoners for debt read a first time, also a bill to prevent the firing of woods. A conference with the Representatives was held on certain proposals for regulating inn-holders. [*Board of Trade*. New England, 48. pp. 230-236.]
- June 6. **553.** Journal of House of Representatives of New York. Cornelius Sebringh and Cornelius Burnt took their places as members for King's County. The Committees appointed to examine the Accounts and to prepare bills for conciliation and for regulation of elections asked for more time.
- June 7. John Woglom took his seat for Richmond County in place of John Teunison. Two bills for reconciling parties and regulating elections brought in, but the House disagreed as to reading the former a second time. Resolved unanimously to address the Governor for a joint Committee to draw up a bill for reconciling of parties.
- June 8. A Remonstrance was brought up and read as follows (p. 961). We the six members undersigned are Representatives elected without dispute. The returns of several other sheriffs have been called in question by petitions, yet the members, whose election has been thus disputed, have sat in the House and have constituted

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orders how their own elections should be tried, and have prevented complainants from being heard and excluded several legal sworn members. The Speaker, Mr. Philip French, has been so insolent that during the dispute about his own election he continued in the House, argued his own case with threats and reproachable language against the Representatives, and put the question about the justice of the sheriff's return himself. We judge that by such proceedings the rights and privileges of Assemblies are overturned, and we cannot sit with the disputed members aforesaid until the disputes have been decided by the Governor in Council. *Signed*, Reyer Schermerhorne, Jan Woglom, Jan Fansen Bleeker, Cornelius Snebernigh, Cornelius van Brunt, Thomas Mergan. Resolved that the said remonstrance be rejected. Messages from the Governor as to a joint Committee to prepare a bill for reconciling parties, and as to certain amendments proposed by William Smith to the Revenue Act. Members for the joint Committee appointed.

June 9. The Committee reported that they had agreed upon the heads of a bill for reconciling parties. Bill for regulating elections thrown out on second reading; and order given for drawing up a new bill. *Note*. On this day there was presented to the Governor by the six remonstrant members a petition (*p.* 961) setting forth that since the rejection of their remonstrance they had withdrawn from the House, but had heard that the majority were resolved to imprison them, and therefore praying the Governor to dissolve a lawless and corruptly elected Assembly.

June 10. The Committee of Accounts presented its report, shewing the arrears of taxes due to be £2,286, and the sum in the Receiver General's hands on account of the additional duty to be £1,592.

June 11. Bill for reconciling of parties brought in and read a first time. The Governor summoned the House to attend him and caused the petition presented to him by six members yesterday to be read. He then said that the matter was not cognisable by him, he being tender of the privileges of the House, and did therefore recommend the petitioners to return to the country's service in the House. The House then returned, and the bill for reconciling parties was read a second time. The seceding members appeared and said they could not sit and act as members at present, but desired further time for consideration. Adjourned to 13th. *Printed*. [*Board of Trade*. New York, 72. *pp.* 943-946.]

June 6. **554.** Journal of Council of Trade and Plantations. Mr. Secretary Vernon's letter of 3rd inst. as to Captain Norris's commission for Newfoundland read (*No.* 541). Captain Norris attending was acquainted with what the Board was preparing for him, and promised to report the progress made in the various offices therein.

Some of the Hudson's Bay Company attended, and desired alterations in the commission as granted to their Commander by the late King. Ordered accordingly that a new commission be drawn.

Mr. Walrond's letter of 2nd inst. read.

June 7. Draft Commission for a Governor in Hudson's Bay agreed upon and sent to Mr. Secretary Vernon.

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Mr. Stoughton's letter of 21 April last received and read.

Memorials from Captain Norris read; and orders given to the Secretary as to letters to be written to the Secretary of the Treasury and to the Commissioners for Transport (*Nos.* 555, 556).

June 8. The Secretary reported the receipt of Mr. Day's instructions signed by the King. [*Board of Trade. Journal*, 11. *pp.* 88-92.]

June 7.
Whitehall.

555. William Popple to the Commissioners for Transportation. In reply to yours of 20th ult. (*No.* 484). The Council of Trade sees no occasion for detaining in Newfoundland any of the transport-ships employed in last year's expedition, and desire that you will take care for them to be discharged. [*Board of Trade. Newfoundland*, 25. *pp.* 236-237.]

June 7.
Whitehall.

556. William Popple to William Lowndes. Please inform the Lords of the Treasury that the Council of Trade recommend that the money for Newfoundland be placed in the hands of Captain Norris, who has been appointed Commander-in-chief during his stay there. The Board of Ordnance has commissioned the master-gunner to be store-keeper there for both provisions and ordnance stores. Please let him have a commission as Commissary of Victuals from the Treasury or the Paymaster of the Army. [*Board of Trade. Newfoundland*, 25. *pp.* 237-238.]

June 7.

557. Memorandum of matters and documents communicated to Captain Norris for his guidance on arriving in Newfoundland. [*Board of Trade. Newfoundland*, 25. *pp.* 238-240.]

June 7.
Whitehall.

558. Council of Trade and Plantations to Mr. Secretary Vernon. We cannot alter the draft commission sent to us by you with yours of 2nd inst. in accordance with the Treaty of Peace, for the exchange between us and the French of the places belonging to each has not yet been effected. We have therefore, as a temporary measure, restrained the Governor's power to such places only as shall be found in the possession of the Hudson's Bay Company. *Signed*, J. Bridgewater, Wm. Blathwayt, Ph. Meadows, Abr. Hill.

Here follows the copy of a commission to be granted to James Knight to be Governor of the Hudson's Bay territory, with power limited as aforesaid. [*Board of Trade. Hudson's Bay*, 3. *pp.* 71-73.]

June 7.

559. Journal of Assembly of Barbados. On the petition of Major Garth a former resolution of the House as to arrears and allowances to officers was explained, and the Council's concurrence in a payment to him and to his Lieutenant was requested. The Committee on Mr. Edwards's papers asked for further time before reporting; and £50 was voted to Mr. Edwards for his good service and towards the expense of his passage to England. [*Board of Trade. Barbados*, 65. *pp.* 293-294.]

June 7.

560. Minutes of Council of Massachusetts. John Valentine took the oaths as acting Notary Public. Lease granted to Richard Payne to add to his dwelling-house in Boston. [*Board of Trade. New England*, 49. *p.* 155.]

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June 7.

561. Minutes of Council of New York. On the report of the murder of an Onandaga Sachem by an inhabitant of Albany, the Council was of opinion that the trial of the murderer be deferred till the Governor meet the Five Nations at Albany. Sundry ships being bound for Madagasear the Governor proposed to take a bond of £2,000 for each vessel from the owners that the said ships should not trade with pirates. The Council dissented. The Governor argued for his proposal, instancing the recent Royal orders against piracy, the late seizure of a ship for unlawful trade with Madagascar, and the bad reputation of New York for countenancing pirates; and the Attorney General supported his reasoning. The Council held it impracticable to impose any bonds on ships beyond those authorised by Act of Parliament, and proposed that the matter be referred to the Assembly. On the deposition of Edward and Hannah Earle William Pinhorne was suspended from his offices of Councillor and Judge for speaking scandalous words of the King. Chidley Brooke was also suspended from all his offices for neglect of his duty as Collector of Customs. Colonel van Cortlandt and Thomas Monsey were appointed Commissioners to act as Collector in his place. The Governor directed the entry in the Council book of a report by Edward Randolph, of 21 May, 1698, shewing that he had found false cockets among Brooke's papers and evidence of his unwarrantable discharge of a ship libelled for illegal trade with Scotland, and adducing also Brooke's crooked dealings in the seizure of the ship *Fortune*, and the evidence of his maladministration given by the decrease of revenue notwithstanding the increase of trade.

June 8.

Members appointed for a joint Committee to draw up a bill for reconciling of parties. Colonel Smith proposed to recommend to the Assembly the following considerations, *viz.*, that the Act for establishing Courts of Judicature will expire in October next, that the constitution of the inferior Courts of Common Pleas in the counties is inconvenient and delays justice, and that drunkenness and debauchery cannot be suppressed by authority as they ought, owing to want of explanation of certain clauses in the Revenue Act relating to Excises and the suppression of unlicensed tippling-houses. The Council agreed, and the management of the matter was committed to Colonel Smith. On the petition of George Phillips, minister of Jamaica, the persons complained of were summoned to appear on the 16th inst. The Governor proposed to add £20 *per annum* to the salary of Mons. Perett, French minister of New York, who has but £100 from the people and a great family of male children, also £30 to M. Boudet, minister of New Rochelle, who has but £20 *per annum*, which was agreed to. The Governor promised to advance the money from the King's share of the late seizure, in view of the complaint of some of the Council as to the emptiness of the Treasury. The petition of Joseph Smith, gunner, for his pay was referred for examination.

June 9.

The Council agreed to a vote of £501 for presents to the Indians, the Governor promising to provide the powder and lead, to the value of £100, from the King's stores. £200 voted for the expense of the Governor's journey, and the management thereof as well as the provision of presents entrusted to Robert Livingston. The

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Council concurred with a proposal of the Governor for finishing the buildings in the fort, and the Council further proposed that the gate-house be made higher, so as to let the Governor's coach pass under, appointing two members to make estimates of the materials and of the cost. Petition and remonstrance of six Representatives, who have withdrawn from the House, read, and consideration thereof deferred till to-morrow.

June 10.

The Speaker and Representatives were summoned, when the Governor caused the remonstrance of six of the members to be read, and having said that the matter was not one in which the Council could interfere, urged the House to moderation. The Governor and Council agreed that the Judge of the Admiralty Court should receive 7 *per cent.*, and the Advocate 5 *per cent.* on all ships and goods condemned, and ordered them to draw up a scale of fees for the inferior officers of the Court. [*Board of Trade.* New York, 72. *pp.* 102-111.]

June 8.

562. Receipt for certain orders and instructions prepared by the Commissioners of Customs for delivery to Governor Day. *Signed,* John Williams. *Scrap.* [*Board of Trade.* Bermuda, 3. No. 26.]

June 9.
Transport
Office.

563. Commissioners of Transport to William Popple. We have received yours of 7th inst. as to the discharge of the transport-ships detained at Newfoundland. We do not know that any were detained except the John and William, as to which we are informed that the Governor did not need the provisions in her, so did not give the orders for which the master applied to unload her. Believing that this ship cannot be unladen and discharged without a letter to the Governor we beg that the Council of Trade will send him the necessary orders. We will write to the master to apply to the Governor for his despatch. *Signed,* Sam. Atkinson, Tho. Hopkins. $\frac{3}{4}$ p. *Endorsed,* Recd. Read 15 June, 1698. [*Board of Trade.* Newfoundland, 3. No. 121; and 25. p. 242.]

June 10.
Antigua.

564. Governor Codrington to Council of Trade and Plantations. I have received duplicate of the order to restore the French part of St. Christophers. Besides St. Christophers we reduced in the late war St. Eustatia, St. Bartholomews and St. Martins. The first, which we recaptured from the French who had taken it from the Dutch, was restored to the Dutch some time since. The other two I was compelled to keep and to remove the French inhabitants from them, lest they should shelter the enemy's privateers; for all homeward-bound ships from Montserrat, Nevis and St. Christophers were bound to pass by these islands and often became a prey to the enemy that lurked there. These islands are not mentioned in the King's Commission, and I conceive that I ought not to restore them without his express commands. *Signed,* Chr. Codrington. $2\frac{1}{4}$ pp. *Endorsed,* Recd. Read 21 July, 1698. [*Board of Trade.* Leeward Islands, 5. No. 84; and 45. *pp.* 224-225.]

June 10.
Antigua.

565. Governor Codrington to William Popple. To the same purport as the preceding, but mentioning that St. Bartholomews and St. Martins are used by poor people to breed cattle in. $1\frac{1}{2}$ pp. [*America and West Indies.* 551. No. 88.]

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June 10. **566.** Minutes of Council of Massachusetts. Divorce from his wife granted to Nicholas Cock on her confession of adultery. Order for payment of a Sheriff and his assistants for seizing two Indians suspected of confederacy with rebels. [*Board of Trade.* New England, 49. pp. 155-157.]
- June 12. **567.** Minutes of Council of Massachusetts. Intelligence being brought of an intended French attack on Deerfield and elsewhere on the frontier, it was ordered that two companies be raised and sent to the frontier, also that notice be given to Lord Bellomont to restrain the River Indians from crossing to east of the Hudson or to transport them to some of the western castles of the Five Nations.
- June 13. Order for payment of £700 to the Treasurer at War for victualing the garrisons and soldiers, and for incidental expenses. [*Board of Trade.* New England, 49. pp. 157, 158.]
- June 13. **568.** Lieutenant-Governor Partridge to Council of Trade and New Hamp- Plantations. Forwarding copies of the laws passed and of the shire. Minutes of Council since his arrival. *Signed*, Wm. Partridge. $\frac{1}{4}$ p. *Endorsed*, Recd., Read 18 July, 1698. [*Board of Trade.* New England, 9. No. 28; and 37. p. 12.]
- June 13. **569.** Journal of House of Representatives of New York. The House met and adjourned till to-morrow.
- June 14. Bill for reconciling parties read a third time, passed and ordered to be sent up to Council. In the afternoon the Governor summoned the House, and caused a protest addressed to him by the six remonstrant members to be read as follows:—In pursuance of your counsel we returned to the House asking for satisfaction for our remonstrance, which the Speaker with great violence denied, while others told us that we deserved to be hanged, if we were in England, and that our counsellors were villains and rogues. We therefore withdrew from the House, leaving a protest (p. 962) against all its proceedings, and we beg that the country may not be bound by any Acts or resolutions of the pretended members now sitting. The Governor then dissolved the Assembly. *Printed.* [*Board of Trade.* New York, 72. pp. 948 and 963-964.]
- June 13. **570.** Journal of General Assembly of Massachusetts. William Peabody's bill and the bill against receiving stolen goods were passed into Acts. Strays bill read a second time.
- June 14. Strays bill read a third time. Poor debtors bill read twice, and sent down for concurrence. Resolution of the Representatives for rewarding an Indian agreed to. Bill explaining the law as to inhabitants and qualifications of electors read twice and sent down for concurrence. Address from the Fellows of Harvard College, asking for assistance for their President's voyage to England to solicit the confirmation of the late Incorporation Act, read and rejected. Three resolutions of the Representatives as to making the west end of Watertown a separate parish, as to a dispute between the people of Salem and of Topsfield, and as to a petition for exemption of a precinct from paying rates, were agreed to.
- June 15. The Strays bill passed into an Act. Address of thanks to the King for sending out Lord Bellomont passed. Bill for duties of impost, excise and tonnage received from the Representatives and read a first time.

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- June 16. Additional bill to the Fences Act received from the Representatives and twice read. Bill for impost read a second time and debated.
- June 17. Bill for abating arrears of taxes to several towns received from the Representatives and agreed to. Bill for inspection of licensed houses read a second time and ordered to be engrossed. Resolved that conferrers be appointed to meet some of the Representatives over the matters in difference in the Impost bill. Order for credit to be given for certain unendorsed bills of credit. Resolution of the Representatives for a payment to a prisoner released from Canada agreed to. Additional bill to the Fences Act read a second time and debated.
- June 18. The bill last named was again read and sent down for concurrence. Draft letter from the Council and Assembly to Lord Bellomont agreed to. The Committee appointed to discourse Mr. Bridger concerning naval stores presented its report. [*Board of Trade*. New England, 48. pp. 236-242.]
- June 14. **571.** Minutes of Council of New York. Order for a warrant to require Chidley Brooke to transfer all public money in his hands to Colonel van Cortlandt. The Council left it to the Governor to appoint an Agent for the province in England. The Governor announced that the heats in the Assembly were such that the King's business was altogether obstructed, and that he should dissolve the Assembly. A protest of the six remonstrant members was read. The Speaker and Representatives were then summoned, and the Governor after a short speech alluding to their strife, divisions and unwarrantable proceedings, dissolved them. [*Board of Trade*. New York, 72. pp. 110-111.]
- June 15. **572.** Memorial of Ralph Marshall to Council of Trade and Plantations. Asking that a letter of revocation may be sent for Sir Edmund Andros, as has been usual in like cases, and particularly in that of Governor Fletcher of New York, no complaint of mismanagement having been brought against Sir Edmund in his Government of Virginia. Signed, Ra. Marshall. $\frac{1}{2}$ p. Endorsed, Recd. Read 15 June, 1698. [*Board of Trade*. Virginia, 6. Nq. 48.]
- June 15. **573.** Council of Trade and Plantations to Mr. Secretary Whitehall. Vernon. Captain Norris repairs to his ship on Saturday or Monday next. Please remember his commission as Commander-in-chief and also to obtain the King's orders as to the boom for Newfoundland. He is to take £1,000 for payment of the troops there, without which we fear they will desert. Please ask the King if he shall wait for this money or proceed on his voyage without it. Signed, J. Bridgewater, Ph. Meadows, Wm. Blathwayt, Abr. Hill. [*Board of Trade*. Newfoundland, 25. pp. 240-241.]
- June 15. **574.** William Popple to William Lowndes. Captain Norris is about to start for Newfoundland. Please remind the Treasury of the money to be advanced to him. [*Board of Trade*. Newfoundland, 25. p. 241.]
- June 15. **575.** William Popple to John Pulteney. Asking for an account of what has been sent or done by the Board of Ordnance for

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Newfoundland, in pursuance of the King's orders, that instructions may be drawn up for Captain Norris. [*Board of Trade. Newfoundland, 25. pp. 241-242.*]

- June 15. **576.** Journal of Council of Trade and Plantations. Letter from the Commissioners of Transport of 9th inst. read (*No. 563*). Captain Norris attending, orders were given for instructions empowering him to discharge any ship in the like case with the John and William. A letter was also written to Mr. Vernon, and two letters by the Secretary to Mr. Lowndes and Mr. Pulteney upon the business of Newfoundland, all dated this day (*Nos. 573-575*).

Memorial of Ralph Marshall read (*No. 572*), and Governor Nicholson's commission for Virginia further considered.

- June 16. Sir William Beeston's letter of 6 April last received and read. The Board resolved at some future time to lay the matter of Patentees and their deputies before the King, as a thing to be remedied in all the Colonies.

- June 17. Order for Mr. Harris to be minded to despatch the seals for Virginia and Maryland.

Captain Norris attending in relation to his commission for Newfoundland, a letter was written to Mr. Vernon about the disposal of the money to be paid to him.

Mr. Vernon's letter of 4th inst. as to George Harris's petition read (*No. 546*), and a letter written in reply that the petitioner deserves to be relieved. [*Board of Trade. Journal, 11. pp. 93-99.*]

- June 16. **577.** Minutes of Council of Massachusetts. On the motion of the Representatives a proclamation was ordered for the punishing immorality, profaneness, etc. [*Board of Trade. New England, 49. p. 159.*]

- June 16. **578.** Minutes of Council of New York. Petition of Mary Milborne, widow of Jacob Milborne, read, when the Secretary swore that he knew nothing of any books of accounts, except that some were removed from the fort by Governor Sloughter when he took possession. Mr. van Swieten's petition was read, upon the seizure of East India goods in his house, the said petition containing several scurrilous reflections on the Government. Evidence was heard on the case, and the Council unanimously justified the Governor's action in sending troops to rescue the search party, and acquitted the said troops of any barbarity or misbehaviour. Mr. Phillips, minister of Jamaica, appeared and shewed his agreement with the people for £60 *per annum*. No one appearing on the other side, it was ordered that a letter be written to the townspeople to discharge their debt to Mr. Phillips without further trouble, and the Governor undertook to write the said letter. The case of Mr. Robert Livingston heard, when the Council said that they had nothing further to offer against him, and that as they had already given their opinion thereon it was not proper for them to sit as judges. They added that they had nothing to allege against Mr. Livingstone's reputation and believed him to be the fittest person to be entrusted with the business of victualling. [*Board of Trade. New York, 72. pp. 111-113.*]

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June 17.
Whitehall.

579. Council of Trade and Plantations to Mr. Secretary Vernon. The money from Newfoundland is ready to be paid to Captain Norris. Please signify the King's orders to us, or to whom he thinks fit, for giving instructions to Captain Norris how that money is to be expended. *Signed*, J. Bridgewater, Ph. Meadows, Wm. Blathwayt, Abr. Hill. [*Board of Trade*. Newfoundland, 25. p. 243.]

June 17.
Whitehall.

580. Mr. Secretary Vernon to Council of Trade and Plantations. Mr. Jonathan Netheway has lately succeeded to a considerable estate in Nevis, and has asked to be appointed to the Council. You will inform yourselves as to his character and report thereon. *Signed*, Ja. Vernon. $\frac{1}{2}$ p. *Endorsed*, Recd. Read 20 June, 1698. [*Board of Trade*. Leeward Islands, 5. No. 85; and 45. p. 201.]

June 18.

581. Minutes of Council of New York. The Governor caused to be read a letter from Governor Basse of New Jersey of 17 June, 1698, insisting that Lord Bellomont's commission of Admiralty should be recorded before the precept for delivery of two pirates from New Jersey to New York. Colonel William Smith thereupon testified that when Governor Basse was last in New York he had declared himself satisfied as to Smith's jurisdiction as Judge of Admiralty in New Jersey. The Council advised Lord Bellomont to order Governor Basse to deliver up the two pirates at his peril, and to reprimand him for his contempt; and a letter to that effect was accordingly written. Order that certain flour, lawfully shipped on board a vessel under seizure for illegal trading, be discharged. Order for payment of £25 for work and materials in the fort, and an overseer appointed for the workmen and materials. Orders as to inspection and payment of certain small accounts. Mr. Pinhorne's defence was read, wherein he suggested that the depositions against him were not fairly taken; but on the Governor's saying that he made no exception against them at the time, he admitted that it was so. The Governor therefore rejected the defence as false and scandalous in this particular, and ridiculous and frivolous in all others. [*Board of Trade*. New York, 72. pp. 113-118.]

June 20.
Boston.

582. John Usher to Council of Trade and Plantations. I enclose copy of a letter which I have written to Lord Bellomont, giving an account of my failure to put your orders into execution. I knew of no reason that those who have seized the Government have for their action. I only know that they wish the province to be attached to Massachusetts, whereas the King orders it to be separate, that they wish to appoint the Governor and Council instead of the King and that no one must have a footing there who are not for their particular interest. In short they act as if the King were a King of clouts. I hope that the King's honour may not be trampled on with impunity. I forgive them all, desiring only to uphold the King's honour and his interest in the masts, which is great. If such affronts be not discountenanced in a small handful of men, it will be very injurious to the other Governments. Since I left the Government no care is taken of the frontiers.

1698.

Great sums of money are raised, the people know not for what, though they hope that an account of it will be required. *Signed*, John Usher. $\frac{1}{2}$ p. *Endorsed*, Recd. 5 Sept. Read 25 Oct., 1698. *Enclosed*,

582. 1. John Usher to the Earl of Bellomont. Boston, 30 May, 1698. Setting forth how William Partridge had assumed the Government though disqualified, and restored the suspended Councillors Hicks, Vaughan and Waldern, enclosing copies of his letters written to Whitehall on the subject, and urging that he sought no profit in urging his right, as he had not received a penny but had spent large sums from his own purse. *Copy*. 1 p. [*Board of Trade*. New England, 9. No. 29; and 37. pp. 27-33.]

June 20. **583.** Minutes of Council of Massachusetts. Orders for payment of £6 for relief of a soldier returned from captivity in Canada, of £6 for rewarding an Indian and his family for bringing intelligence, and of £6 upon relief of a disabled soldier. [*Board of Trade*. New England, 49. pp. 160-161.]

June 20. **584.** Journal of General Assembly of Massachusetts. Adjourned till to-morrow morning.

June 21. The bills for inspecting licensed houses, for relief of poor debtors, and for adding to the Fences Act, were passed into Acts. James Taylor elected Treasurer and approved. Bill to prevent defaults in the appearance of jurors was twice read and sent down for concurrence.

June 22. A newly-elected Councillor was sworn. Two resolutions of the Representatives for certain payments agreed to. Jurors bill passed into an Act. Resolutions of the Representatives for settlement of a constable's accounts, upon whose land execution had been levied for arrears of some rates of his town.

June 23. The Impost bill was concurred with and ordered to be engrossed. The Representatives' proposals, as to the proportioning of the tax now to be granted, were discoursed. Resolution in favour of giving a guard to Mr. Bridger sent down to the Representatives for concurrence.

June 24. A Tax bill for raising £3,049 was received from the Representatives, was read and debated.

June 25. Resolutions of the Representatives for payment of salaries and for approving the Treasurer's accounts were agreed to. The Tax bill, with amendments concurred in by the Representatives, was again read and ordered to be engrossed. James Taylor took the oath on re-election as Treasurer. [*Board of Trade*. New England, 48. pp. 241-248.]

June 20. **585.** A paper of suggestions for additions to the instructions preparing for Governor Nicholson in Virginia. (1) That he endeavour to procure more equal division of parishes in Virginia, that every one of them may be a competence for a minister. (2) To have it settled, for the encouragement of good men to go and stay there, that after a twelve months' probation at most, if no just cause be found to the contrary, a minister shall be inducted to the

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parish where he is chosen. (3) That the profits of the vacant parishes be sequestered from time to time for the repair and building of a parsonage-house and improvement of the glebe. (4) That the salary which the King has allowed the Commissary out of the quit-rents may be paid with the arrears by the Governor, still out of the quit-rents, for this will be the same thing to the King and will save the Commissary a great charge and trouble to his friends. $1\frac{1}{2}$ pp. *Endorsed*, Communicated to the Board by the Earl of Bridgewater by his Majesty's order. Recd. Read 20 June, 1698. [*Board of Trade*. Virginia, 6. No. 49; and 37. p. 208.]

June 20.
Whitehall.

586. Mr. Secretary Vernon to Council of Trade and Plantations. Your representations of the 15th and 17th inst. have been laid before the King, and in reply I send you a commission for Captain Norris to command in chief during his stay in Newfoundland. As to the £1,000 ordered him for the service, you will acquaint him how it shall be disposed of to the uses for which it was intended. I have directions to write to Lord Romney about the chain and boom, but the King doubts whether there will now be time to provide it. *Signed*, Ja. Vernon, $\frac{1}{2}$ p. *Endorsed*, Recd., Read 21 June, 1698. [*Board of Trade*. Newfoundland, 3. No. 122; and 25, p. 248.]

June 20.
St. James's.

587. J. Pulteney to William Popple. On receipt of yours of 15th inst, respecting the stores to be sent to Newfoundland, I sent it at once to the Officers of Ordnance, who yesterday replied to me that they had frequently applied to the Treasury for money to enable them to provide those stores, which otherwise they could not, and that the Treasury had informed them that as soon as money came into their hands they would supply them, when no time should be lost in providing for that service. They have writ to the store-keeper at Newfoundland to take care of the provisions, but it is expected that the Victualling Office will give some annual allowance to the person who executes that place, he being otherwise under no obligation to take that trouble upon him. The Ordnance Office has also ordered all the gunners, etc., home from Newfoundland except the few that are appointed to remain. *Signed*, J. Pulteney. 1 p. *Endorsed*, Recd., Read 24 June, 1698. [*Board of Trade*. Newfoundland, 3. No. 123; and 25. p. 252.]

June 20.
Whitehall.

588. Council of Trade and Plantations to Commodore John Norris. Having received the superior command of the forts and soldiers during your stay, you will give the necessary orders and bring home an account of everything. Copies of several of our representations as to Newfoundland have been prepared for you for your guidance. Of the £1,000 placed in your hands you will make part over to Colonel Handasyd to assure the allowances to each officer and soldier as in a schedule herein enclosed, and the balance you will make over to the deputy-paymaster for the subsistence of the independent Company. Having formed the said company you will give the rest of the officers and men the option of remaining there, of going to other of the Colonies or returning to England, assuring to any who do not return that their arrears will be paid to their assigns here; and for those who do return you will make

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the best agreement you can for their diet and passage. *Signed*, J. Bridgewater, Ph. Meadows, Wm. Blathwayt, Abr. Hill. *Here follows*: the schedule for the distribution of pay to the troops, and the allowance of provisions for the company there. [*Board of Trade*. Newfoundland, 25. pp. 243-247.]

June 20.
Whitehall.

589. Council of Trade and Plantations to Mr. Secretary Vernon. With reference to yours of the 4th inst., we are satisfied after enquiry that George Harris or Herauld was in 1694 duly made a free denizen of this kingdom and that he should be assisted in recovery of the damage done him in Carolina by such further testimonials of a like nature as may be proper. [*Board of Trade*. Proprieties, 25. p. 209.]

June 20.

590. Journal of Council of Trade and Plantations. Mr. Vernon's letter of 17th inst. in favour of Mr. Netheway's appointment to the Council of Nevis read (No. 580). Order for Mr. Richard Cary to be summoned for Wednesday morning thereupon.

Letter to Mr. Vernon in favour of George Harris signed.

Captain Norris attending upon the business of his Commission at Newfoundland, a letter of instructions to him was signed (No. 588).

Lord Bridgewater submitted a paper of suggestions as to the instructions of Governor Nicholson for Virginia. Ordered that the three first heads be used as shall seem proper when the instructions are considered, and that a copy of the fourth be sent to Mr. Lowndes for the opinion of the Treasury. Draft Commission for the Governor of Virginia considered, and a representation ordered to be drawn thereupon.

June 21.

A letter dated yesterday from Mr. Secretary Vernon, as to the disposal of the money entrusted to Captain Norris, was read (No. 586); and the letter to Captain Norris, signed yesterday, was delivered to him.

June 22.

Mr. Richard Cary attending bore witness in favour of Mr. Netheway's appointment as Councillor, and said that he only awaited Mr. Codrington's return from France to submit his answer to Mr. Walrond's accusations.

The Secretary reporting that some Acts of Massachusetts had been returned by the Solicitor General without a report thereon, was directed to return them to him again.

Draft letter to Mr. Lowndes concerning Mr. Blair's allowance signed. Representation on the Draft Commission for the Governor of Virginia signed. Order for Mr. Harrison to attend to-morrow upon the matter of the same Governor's instructions.

June 23.

Mr. Harrison attended, to give information as to Mr. Blair's capacity to sit in the Council of Virginia, alleging the precedent of Mr. Mein in Barbados. The Board, however, submitted queries on the subject to the Attorney and Solicitor General.

Governor Codrington's letter of 29 April read. Order that in the next letter to him he be requested to make clearer the English title to Tortola.

Sir Henry Ashurst brought up the Massachusetts Acts of 1695 with the Solicitor General's opinion thereon (No. 597).

June 24.

Mr. Blathwayt brought down an order of the King as to the salaries of Lieutenant-Governors.

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Mr. Pulteney's letter of 20th inst. as to ordnance stores for Newfoundland read (*No.* 587). Captain Norris attending received his commission and instructions.

Mr. Netheway attending said that he was leaving shortly for Nevis. The Board thereupon agreed upon a draft representation recommending him for the Council of Nevis. [*Board of Trade. Journal*, 11. *pp.* 99-108.]

June 21.

591. Minutes of Council of Barbados. Abel Alleyne chosen Speaker during Thomas Maxwell's absence. A reimbursement of money paid for fitting out sloops for the island's service was ordered. Other payments ordered, and claims due referred for examination. The Council recommended the grant of an additional £100 to Mr. Edwards. Mr. Heberland's accounts referred to a Committee. Address to the Council for payment of £500 to the President, and of an additional £100 to Mr. Edwards. [*Board of Trade. Barbados*, 65. *pp.* 295-297.]

June 21.

592. Minutes of Council and Assembly of Nevis. The Assembly refused to entertain a proposal of the Council for longer quartering the soldiers, so long after the peace. [*Board of Trade. Leeward Islands*, 64. *p.* 470.]

June 22.
New York.

593. Governor the Earl of Bellomont to Council of Trade and Plantations. My last were sent by the Richmond frigate, which had my sailing-orders on the 29th of May. The maladministration of the late Government has so corrupted and debauched the minds of most that I found in authority here, that I meet with great difficulties and obstructions in the discharge of my duty. Colonel Fletcher has so managed the Council here by gratifications of grants of land, connivance at illegal trade, etc., that they would never contradict him, but joined him in all his proposals however prejudicial. I reported to you the removal of William Nicoll (chief broker in the matter of protecting pirates) from the Council. Since then I have evidence of his making a bargain with several of the country to receive £400 for passing an Act prejudicial to New York City. The Act was actually passed by Colonel Fletcher, and part of the money was paid to Nicoll, the rest being due by obligation. He received this reward as a Member of Council, and it is reasonable to infer that he was a factor for Colonel Fletcher in the matter, as the enclosed evidence will show. I doubt not to obtain fuller proof of the same, which shall be transmitted to you. I hope you will prevent the restoration of so evil an instrument to the Council. Since I removed him he has been most industrious in making cabals and encouraging discontents, and, as I am informed, purposes privately to make up a bank of the merchants, who have their unlawful trade interrupted, to employ an Agent to complain against me. But I am assured of your justice and support to me in doing my duty against all that pretend to be aggrieved at it. I yielded to the Council not to send him home a prisoner for his dealing with pirates, but I fear that I shall be forced to do so for the quiet of the Government. I have also been obliged to suspend William Pinhorne from the Council for scandalous and reproachful words against the King. The proof was plain, and the witnesses, who

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were confronted with him, of good reputation. He has since written a most false and foolish defence which was read before myself and Council and rejected, as the enclosed papers show. Colonel Fletcher found this man in the Council when he arrived and turned him out as a non-resident, but by presenting Colonel Fletcher with some plate and by other proper methods he was restored to the Council and made a judge, with salary of £100, besides receiving large grants of lands from Colonel Fletcher. Besides his disaffection to the King, Pinhorne is (I am informed) a person of most scandalous character. He was employed as factor to a woollen-draper of London who entrusted him with four or five thousand pounds in goods, which Pinhorne (it is said) has converted to his own use. He then purchased an estate in the Jerseys and conveyed it to his wife and children so that it may not be liable to the woollen-draper's demands, for which he is now commencing a suit here. For the above reasons I have suspended him also from being a judge and I am persuaded that you will not restore him. At the same time I suspended Mr. Chidley Brooke also from the Council and from his offices of Collector and Receiver-General of New York, he having been to my own knowledge most backward and careless in his duty, to the visible decrease of the King's revenue, as the enclosed account shows. I consulted Mr. Randolph on this matter, who gave me his opinion in writing; and I could not believe that a man who was faulty in so great a trust could be fit to sit in Council. I hope, therefore, that you will not restore him. He was, indeed, a great devotee to Colonel Fletcher, which he could not have been without joining him in connivance at illegal trade. Indeed, at my first arrival, Colonel Fletcher told me that Mr. Brooke's employ was more profitable than the Governor's, which it can only be by unlawful gains, for he has made but very few seizures in six years' time. I have dealt with Mr. Brooke thus purely in discharge of my duty, for by birth he belongs to one of my relation's families in Ireland and was first preferred by my father, and later advanced in the Customs by my own interest. I am, myself, one of his securities in £2,000 for his proper discharge of his duties as Receiver-General, for which I am liable in England. The Minutes of Council respecting his and Pinhorne's suspension are enclosed. I may add that Brooke and Nicoll were employed by Colonel Fletcher and by a corruptly-elected Assembly to be Agents in England, and had £1,000 of the Country's money to defray the expense of opposing an Act of Parliament for reversing the attainder of Leisler, Milborne and others, most unjustly executed for their forwardness in the late happy Revolution, as also to procure the passing at home of an Act passed here about bolting of flour—the Act for which Nicoll received £400 as aforesaid. Indeed, all that are disaffected to the present Government, Papists and Jacobites, have been the intimates of Colonel Fletcher, and have been employed by him in the persecution of all that favoured Leisler and the instruments of the Revolution here.

Another difficulty under which I severely labour is that I found all the sheriffs here, appointed by Colonel Fletcher, to be of the scum of the people, tailors and other scandalous persons, who notwithstanding my proclamations against illegality

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at elections have contrary to their oath and duty made corrupt and false returns of members. Thus of the nineteen persons that make up the Assembly eleven elections were disputed; but they being a major vote of the House have established themselves and proceeded with the greatest confusion and disorder imaginable, which has occasioned six of the nineteen to make a remonstrance, which was consented to by three more members but rejected by the majority. On this the six withdrew, petitioned myself and Council and drew up a protest of the proceedings of the House both to the House and to myself and Council. But as I have not followed my predecessor in interference with elections, neither have I interposed with the rights and liberties of the House of Representatives; but being convinced of the corrupt grounds on which this Assembly has proceeded I have, upon this petition and protest, dissolved it. It has sat for near a month and done nothing but villainous tricks to justify the falseness and unfairness of the sheriff's returns. Had I permitted this Assembly to have sat and acted, there would have been great discontent among the people, who had few true representatives among them after the remonstrants had withdrawn. The papers relating to this are enclosed. I shall at once appoint better men to be sheriffs and call another Assembly which may enact laws to reunite the minds of the people and do service to their King and country. I will give you but two instances of the constitution of the last Assembly. The first is, that a writ being directed to one sheriff, of the City and County of York and County of Orange, to return four members, this sheriff has certified to the return of four duly-elected persons, though it is evident, and he himself acknowledges, that he did not allow one freeholder of the County of Orange to have a voice in the election. Secondly, these four persons, so unjustly returned, joining with other disputed members, have excluded two others, who were fairly elected, from sitting, on pretence that they are under attainder for their proceedings in the late Revolution. Thereby they have raised a flame by stirring up remembrance of those who were unjustly executed for the same, and showed their malice against the present Government. The whole of the remonstrances and petitions appearing to be truth, I find by what unjust measures the late Governor procured packed and corrupt Assemblies to gratify his pride and malice. But I shall alter the method and restore the blessing of an English Government by free and fair election of Representatives, though it will cost me much time and trouble to purge corruption so deeply rooted.

I have in other letters reported to you the frequent trade between this and Madagascar; the pirates, who fitted out in this port, bringing their spoils taken in the East Indies and the Red Sea to that island, whence merchant-ships from this port, publicly loaded with goods useful to the pirates, brought them back here for sale. See the enclosed deposition as to the ship *Fortune*. She was commissioned by Colonel Fletcher as a privateer but publicly loaded here, went to Madagascar and brought back East India goods from the ship of the pirate Hore, who had also a commission from Colonel Fletcher. The ship and some of her goods have been seized and condemned on her return, as the

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enclosed account shows. The generality of the merchants (there being two and twenty owners of the lading) are so much incensed at this and had so far corrupted the evidence that it was hard to procure enough to condemn the ship and goods; and they have so terrified the witnesses that they have resolved to remove from among them. The merchants also daily curse and threaten the few persons that have assisted me in the King's service. On the 6th inst. four merchant-ships laden here and bound to Madagascar came to me to be cleared. I delayed them till I had called the Council and offered to them that I had good reason to suspect these ships to be bound to Madagascar to supply the pirates with necessities and to bring back their goods, and that I believed that each ship ought to give security not to trade with pirates. The Council, however (being some of them concerned in the ships) unanimously opposed this method as not prescribed by law and never before practised here, so that I was forced to allow the ships to proceed on their voyage. On the same day I had intelligence of East India goods, illegally imported, at Mr. Van Sweeten's house. I forthwith sent the Collector and Searcher of Customs, who found them and seized them. But a tumult was raised by the merchants who came to the house, and by their advice the officers were locked up, and kept imprisoned for three hours before I had any notice of it, when my intelligence was that they were in danger of being murdered. I thereupon sent the Lieutenant-Governor and three files of men with my servants, who broke open Van Sweeten's doors, freed the officers, and assisted them in carrying off the seized goods to the Custom-house. Hereupon Van Sweeten put in a false and scandalous petition, and thereon I summoned the Council and had the whole matter heard before them, who have made a minute thereof. The depositions as to the treatment of the officers are enclosed. Next morning I again sent for the officers, and told them where they might make another seizure, whereupon Mr. Monsey (who for six years past has been chief-searcher and is now one of the two commissioners for executing Mr. Brooke's office) told me that indeed he would act no longer in his office, and desired me to appoint another. He would give me no reason, but laid down his employment; and thus for want of an officer that day I missed seizing £1,000 worth of goods, which were immediately afterwards removed to some other place. I must observe that this Monsey was brought over by Mr. Brooke as his servant, and has been employed as searcher under him; but without doubt he has as good a correspondence with the merchants as his master, otherwise he would never have thrown up that employ. He had accepted it from me but five days before, and it advanced his salary from £50 to £200 a year, but finding that he must now be kept to his duty and must disoblige the merchants, he would act no longer; besides he came to me to lay down his commission directly after discoursing with Mr. Brooke, as he confessed to me. It is reported that he is going with Mr. Brooke to England to endeavour to justify his master's proceedings in his employ here. I have written a large report to the Treasury on this matter, and enclose copy of my letter. These proceedings of mine against the merchants have raised their minds against me and have so influenced

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the Council that I have little assistance given me in the Government. I find that the merchants' design is to disturb me at home by complaints, and to make me uneasy here by scandalous reports and opposing me in everything. In the seizures aforementioned, for instance, three constables were sent for, but would not be found; and the sheriff was one of the persons chiefly concerned and had great quantities of East India goods in his own house (which I narrowly missed seizing), so that he could not be trusted. The violence offered to the Customs-officers required speedy assistance, and it was this that made me send the Lieutenant-Governor and soldiers to break open the doors and release them, which now they make great clamour at and great threats of complaints at home. Their hopes and boasts are either to prevail with you for my recall or to make me so uneasy that I shall desire it myself; but, since I seek for no advantages for myself but with great difficulty pursue the King's interest, I doubt not that you will discourage their wicked contrivances, and that I shall rather receive the King's thanks for doing my duty.

I must represent to you the miserable condition of the King's forces. Colonel Fletcher used the soldiers so barbarously that they deserted, and left the companies so empty at my arrival that instead of one hundred men, according to establishment, my company numbered but thirty-five centinels, scarce sufficient to relieve the duty. For though the pay is 30 *per cent.* worse than sterling, yet Colonel Fletcher deducted from each private man's subsistence one half-penny *per diem* (which for four hundred men makes seventeen shillings a day) for several years, which makes a considerable sum that the soldiers have been cheated of, apart from the wrong done to the King by Colonel Fletcher's sending false muster-rolls. This province further gave, as an encouragement to the soldiers, an additional pay of fourpence a day, part of which was pocketed by Colonel Fletcher and never given to the men, which caused them to desert. He likewise, with his officers, made great advantage of the soldiers' labour, obliging them to pay for another's performing their duty, and to give their subsistence to him and his officers for liberty to exercise their trades. These hardships I have removed, yet I fear that I shall not be able to fill the companies without sending an officer to England. At present the companies are so weak that, should war break out, the frontier would be in great danger. But I shall shortly send you a full account of the wrongs and abuses of these companies.

Since my last I have got full proofs of Colonel Fletcher's protection of pirates. See deposition enclosed. I shall also lay before you an account of all his maladministrations, with proofs which will show you how much the King has been injured and dishonoured by him, and by what means he has so corrupted people here that they will be in conspiracy against any Governor who regards the King's honour and the execution of the laws, and will endeavour to make him weary of his Government. They give out that this is their design as to myself, but though the pension allowed me as Governor here is small, I shall not be tempted to enrich myself by joining them in their game of unlawful trade. You will find that Brooke and Pinhorne were two of Leisler's judges, by

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whom he was most barbarously murdered for his forwardness in the Revolution here. The late Governor made advantage to divide the people by supposing the Dutch and English interest to be different here, and therefore, under the notion of a Church of England to be set in opposition to the Dutch and French churches established here, he supported a few rascally English, who are a scandal to their nation and to the Protestant religion, and who joined with him in the worst methods of gain and severely used the Dutch, except some few merchants whose trade he favoured. The Dutch ought to have an equal benefit of the English Government, being most heartily for their Majesties, and a sober, industrious and obedient people. I have the Council's consent to the appointment of an Agent for this province in England, and have appointed Mr. Thomas Weaver. He served as Attorney-General in the Leeward Islands with an unspotted reputation and has been known to me for many years. He has been an eye-witness of all that has passed since I entered upon this Government, and is prepared to give you full information. I beg your favour and countenance to him, whether in the province's affairs or my own. *Signed*, Bellomont. 10 $\frac{1}{4}$ pp. *Endorsed*, Transmitted by Mr. Weaver, Agent for the Province. Recd. 8th, Read 18th April, 1698. *Enclosed*,

593. 1. Deposition of Jacob Rutson. 1 June, 1698. Four years ago, when a Member of Assembly, I was sent for by Governor Fletcher, who told me he heard that the Assembly would pass no bills unless a bill was passed for the country's free bolting of flour, and that he could not and would not pass such a bill, as it would ruin the City of New York. This was about the time when the City of New York presented him with a gold cup. In 1691, having had several parcels of flour seized in New York, I employed Mr. Nicoll as my lawyer and engaged him to see some attorney in England if it should be necessary to appeal, which Nicoll did, before Governor Fletcher arrived in New York. In February, 1695, I met Mr. Nicoll in Ulster County, who was discussing of the hardship of the seizure of my flour at New York, and of my suit concerning it remaining so long undetermined, and I agreed with him either that he should prevail to get an Act passed to deprive New York of the sole liberty of bolting flour, or carry the cause to England. For this service I and the chief inhabitants of Ulster County agreed to pay Nicoll £400, New York money. Nicoll then said that he believed that Governor Fletcher would now pass such a bill, since he had heard him say that the said privilege of New York City was a great monopoly. About a month later the Act was passed and consented to by the Governor, and on the same day I paid Nicoll £100 as part of the money agreed on. I have great jealousy that Governor Fletcher had part of the money, for Nicoll was particularly urgent for payment of it on the day when the Act was passed; but

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I cannot be positive or certain therein. *Copy. 1 p. Endorsed, Recd. from Mr. Weaver 15th, Read 16th Sept., 1698.*

593. II. Extract from Minutes of Council of New York. 25 June, 1698. Colonel Henry Beeckman, examined on oath, deposed (1) that he had an agreement with William Nicoll for £400 to procure an Act of Assembly to give the country equal privileges with New York as to bolting of flour; (2) that he knows nothing of Colonel Fletcher's being gained over nor heard his name mentioned; (3) that he heard that Mr. Rutson paid £100 to Nicoll on the day when the Act was passed; (4) that several inhabitants of Ulster contributed to subscribe the £400, and (5) that he had heard that the contribution was levied on the King's taxes of the county. *Copy. 2 pp. Endorsed as No. 1.*
593. III. Deposition of John Ward. 27 June, 1698. I subscribed five pounds on account of the agreement with William Nicoll to procure an Act giving to the whole country the liberty of bolting flour or appeal to England on the case. I was told that Nicoll received the money when the Act was passed. The £400 was afterwards assessed upon the county by the Justices and Grand Jury, but great part of it is not yet raised. I always understood that the agreement was made with Nicoll as with a lawyer. *Copy. 1½ pp. Endorsed as No. 1.*
593. IV. v. Copies of the depositions of Edward and Hanna Earle as to William Pinhorne's scandalous language concerning the King. (*See No. 502 II.*) *Endorsed as No. 1.*
593. VI. Extract from the Minutes of Council of New York. 7 June, 1698. Concerning the suspension of William Pinhorne and Chidley Brooke from the Council and from their offices. 3 pp. *Endorsed as No. 1.*
593. VII. Minute of the Council of New York. 18 June, 1698. Rejecting William Pinhorne's defence. *Here follows the defence itself, addressed to the Governor in the form of a letter, 10 June, 1698. I altogether deny that I used the words attributed to me; but the falseness of the charge can be detected by reasonable and probable presumptions. I appeal to all who know me to say whether I am likely to have used such words in the first place, and before such witnesses in the second. My abhorrence to Popery is well-known; I never received any advantage under King James, but many posts under King William, in which I have always done my duty. It was not likely that I should use such words immediately on receiving such favours, certainly not before two open enemies of long standing. They have tried many kinds of malice and revenge against me before now. It is strange too that they should have kept these words, alleged to have been spoken in 1691, quite secret until*

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1698. If you will examine the record of their past in the Courts of Law you will hardly think them credible witnesses. There is also a discrepancy in the dates of the alleged crime on my part, in the two depositions. I enclose sworn statements as to the past behaviour of the Earles towards me. *The whole, 18 pp.*

593. VIII. Deposition of John Pantree. 8 June, 1698. I went sailor on the ship Fortune about seventeen months ago to Madagascar. We took in a cargo of sugar, liquors, pumps, hats and stockings, arms and gunpowder at Turtle Bay, and at Madagascar we traded for negroes and also with a vessel formerly commanded by one Hore (who was then dead) for East India goods. We brought the said goods to Long Island Sound, where they were taken off by two New York sloops. *Copy. 2 pp. Endorsed, Recd. 15th. Read 20th Sept., 1698.*

593. IX. Memorandum as to Chidley Brooke's proceedings concerning the ship Fortune. Thomas Moston received a commission to command the ship from Colonel Fletcher, under date 7 Nov., 1696. She is a foreign bottom, and is presumed to have traded with pirates. She came into New York on the 31st of March, being the day of Lord Bellomont's arrival at Sandy Hook. On the next day Chidley Brooke and Colonel Bayard visited Lord Bellomont, but Brooke said nothing about the ship, nor on the 2nd of April when Lord Bellomont was sworn in. On the 4th, Brooke, in the midst of a great company, whispered the intelligence of the ship's arrival to Lord Bellomont, as newly received, pretending that three members of the Council were concerned. The Earl bade him do his duty, without prescribing the method, and offered him the assistance of Captain Leader, of H.M.S. Deptford, and thirty or forty men if required, bidding him concert arrangements with Leader and the Lieutenant-Governor. Brooke thereupon ostentatiously consulted with them then and there, contrary to the Earl's order to do so privately. Next day Brooke suggested to the Earl a method of seizing the ship which would affect the owner but spare the freighter, which the Earl disapproved. Brooke then did nothing nor came near the Earl till sent for the next night, when he said that the ship was lying in the borders of Connecticut, so that he had no power, and that it was the man-of-war's business, but that he would obey Lord Bellomont's orders. The Earl gave him positive orders, reproaching him for concealing the matter from him four days and for being ignorant of his duty, and ordered him assistance; and, fearing the same backwardness, sent on the same night a sharp letter to quicken him. The next day Brooke, going with his assistants, seized a sloop and boat coming from the ship with the last of the East India goods, but

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secured none of the people on board either of the ship or the sloop. Lord Bellomont shewing his disapproval, Brooke said that the ship was coming up to surrender herself, and that the master had undertaken that the men should be forthcoming; to which the Earl replied that now no doubt they would concoct a story which might conceal the truth. He then ordered Brooke to secure the master and sailors, when Brooke inveigled some of them into his room and sent them into the fort. The Earl discovered Brooke's illegal method of imprisonment, and after taking the prisoners' parole to re-appear, dismissed them. Mr. Mainwaring, who commanded the sailors who assisted Brooke, gave information showing Brooke's collusion in the matter, allowing the master and sailors to escape and some of the seized goods to be disposed of. On the 13th of April notice was secretly given to several merchants, Van Sweeten among them, to secure any forbidden goods, as a search was coming, and on the next day Brooke came to ask for the Earl's order, professing his readiness to rummage the whole town for the goods. The Earl rejoined that Brooke had already full authority, and only acted thus to throw odium upon him. He then made a search, but nothing was found, as all had been warned to hide the goods. Brooke also by his carelessness allowed the *Fortune*, after seizure, to be driven on shore, whereby she was so much damaged as to be of little value. Lastly, he lodged an information against the ship in the Court of Admiralty without consulting the Attorney-General, hoping to defraud the Governor of his share by making the information defective. *Signed, Bellomont. Four closely-written pages. Endorsed, Recd. 15th, Read 23rd Sept., 1698.*

593. x. Abstract of the preceding memorandum. 1 p.
593. xi. Copy of the proceedings in the Vice-Admiralty Court of New York relating to the ship *Fortune*, with the decree of condemnation. The ship was valued at £297, New York money. 6 large pages. *Endorsed, Recd. 15th, Read 20th Sept., 1698.*
593. xii. Deposition of Thomas Monsey. 15 June, 1698. On the 14th he went to search Mr. Van Sweeten's house for forbidden East India goods, and informed him civilly for what purpose he was come, upon which Van Sweeten said that he was at liberty to do so. He found nothing till he reached the cock-loft, where there were a trunk and box full of East India goods. He then summoned Van Sweeten and told him he should carry the goods away, when Van Sweeten asked him to show his warrant or order to do, which deponent could not produce. Deponent then went out to drink something, being hot, and on his return found a crowd about the house. He was followed upstairs by several merchants

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and after a time found himself shut in, all the doors and windows of the house being closed. 3 pp. *Endorsed as No. xi.*

593. xiii. Deposition of James Brodie. 16 June, 1698. He went as one of Monsey's assistants to search Van Sweeten's house, and confirms his statement. The suggestion to shut the Customs-officers into the house was made publicly by Mr. French. 2½ pp. *Endorsed, Recd. 20th, Read 26th Sept., 1698.*
593. xiv. Deposition of Robert Cromwell. 15 June, 1698. Confirming the two last preceding depositions. 1½ pp. *Endorsed as No. xiii.*
593. xv. Petition of Ouzeel Van Sweeten to the Earl of Bellomont. Complaining that his door had been broken in by some soldiers, assisted by servants in Lord Bellomont's livery, and many valuable goods carried away. Asks for an audience on account of "so grievous a violation to the English laws and liberties." Copy. 1½ pp. *Endorsed as No. xiii.*
593. xvi. Extract from the Minutes of Council of New York. 16 June, 1697. Mr. Van Sweeten's petition was heard, his witnesses examined and the case dismissed. 1 p. *Endorsed as No. xiii.*
593. xvii. Deposition of John Wick. 2 June, 1698. In April, 1696, Josiah Rayner landed at the east end of Long Island, there being (as Rayner told him) treasure of over £1,000 value in his chest. The said chest was seized by the sheriff as privateer's goods, on which Rayner asked me for advice how to recover it. I went to James Emott, who went with me to Governor Fletcher, who asked the value of the treasure and on hearing £1,000 said that he wished it were £2,000. I then asked for discharge of the chest and a protection for Rayner, who had been one of Tew's crew, and said that he would give a present for the same. The Governor said that since Rayner had gone out with his permission he was right to come to him for a protection, and that though he would take no reward for it, yet he would not refuse a present if Rayner should give him one. He then signed the protection and an order for discharge of the chest, and I gave him £50, which he accepted. I gave it in a bill of exchange drawn on Abraham Depeyster and payable to Daniel Honan by Colonel Fletcher's order. 1½ pp. *Endorsed, Recd 15th, Read 23 Sept., 1698.*
593. xviii. Copy of Colonel Fletcher's order to the sheriff, Josiah Hobart, to return to Josiah Rayner any goods of his that are in his custody. 1½ pp. *Endorsed as No. xvii.*
593. xix. Deposition of Abraham Depeyster as to the bill of exchange of £50 drawn by John Wick upon him. *Scrap. Endorsed as No. xvii.*

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593. xx. Copy of a letter from Josiah Hobart to Lord Bellomont. 30 May, 1698. Apologises that he cannot wait upon him, as he is unable to ride. Sends Governor Fletcher's order for release of Rayner's treasure-chest. He himself never got a penny for seizing it, but only abuse from Rayner for molesting him. 1 p. *Endorsed as No. xvii.* [Board of Trade. New York, 7. Nos. 73, 73 1-xx.; and (without enclosures) 52. pp. 396-411.]

June 22. 594. Abstract of the foregoing letter of Lord Bellomont. 1 p. [Board of Trade. New York, 7. No. 74.]

June 22. 595. Governor the Earl of Bellomont to the Commissioners of Customs. I enclose duplicate of mine of 27 May, since which I have suspended Chidley Brooke; and Mr. Monsey, Surveyor of Customs, finding that I would keep him to his duty would serve no longer. I have written at large to the Lords of the Treasury. Mr. Randolph is a diligent officer, but he could not stay here long enough to keep the others to their duty. Mr. Thomas Weaver will give you full information. I hope that now the negligent officers are removed the Customs will be advanced here. *Copy.* 1 p. *Endorsed, Recd. 8th. Read 14th Sept., 1698.* [Board of Trade. New York, 7. No. 75; and 52. pp. 439-440.]

June 22. 596. Council of Trade and Plantations to the King. We submit a draft commission for Governor Nicholson, and we recommend that another Governor be appointed and arrive in Maryland before he moves from thence to Virginia. *Signed,* J. Bridgewater, Tankerville, Ph. Meadows, Wm. Blathwayt, Abr. Hill. [Board of Trade. Virginia, 37. p. 209.]

June 22. 597. The Solicitor-General to Council of Trade and Plantations. I have perused the Acts passed in Massachusetts at a General Assembly in May, 1695, and find nothing to object to in them, provided the expiring laws, which are continued by sundry of these Acts, have received the King's approval. *Signed, Jo. Hawles.* 2½ pp. *Endorsed, Recd. Read 23 June, 1698.* [Board of Trade. New England, 9. No. 30; and 37. pp. 4-7.]

June 22. 598. William Popple to the Solicitor-General. You have made no report on the Acts of Massachusetts passed in February, 1695, so I am ordered to return them to you to be despatched with what speed you can. *List of the Acts follows.* [Board of Trade. New England, 37. pp. 2-3.]

June 22. 599. William Popple to William Lowndes. It is proposed that the allowance of £100 a year to Dr. Blair, Commissary to the Bishop of London in Virginia, may now be settled upon him as a yearly salary, and that a clause to this effect be inserted in Governor Nicholson's instructions. Has the Treasury any objection? [Board of Trade. Virginia, 37. pp. 226-227.]

June 23. 600. Minutes of Council and Assembly of Antigua. Though there was no full Council, the Governor sent down to the Assembly

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the letter of the Lords Justices concerning pirates and asked them to appoint Committees to deal with this and with the Militia Act. [*Board of Trade. Leeward Islands, 64. p. 261.*]

June 23.
Bashwood,
Maryland.

601. Gerard Slye to Secretary Vernon. I enclose copies of my charges against Governor Nicholson. I would have sent proofs, but none of the Council or justices will take the depositions while he is Governor, or until a Commission arrives from the King to examine the matter. I beg for your interest, not only that he may be removed, but that his crimes may be examined without fear or favour, for if any here speak of his abuses he at once sends for them and threatens them with imprisonment and ruin, abusing them to the last degree. Lately, upon a frivolous occasion—nay, for nothing but mere malice—he sent a militia-officer with a warrant for me, kept me a prisoner for six days at my house, and at last forced me to two unreasonable bails, obliging me to appear at Annapolis on the last Tuesday in August next. He knew that I was returning to England before to stifle his crimes and prosecute him at home; to which end he has sent as his Agent to England Sir Thomas Laurence, a man of his own stamp, who always appeared above board against the King and Government. I beg your assistance. *Signed, Gerard Slye. 1½ pp. Enclosed,*

601. 1. Memorandum of charges against Governor Nicholson. *These are for the most part identical with those enclosed in the letter of 26 May (see No. 508 1.), though arranged in different order. They contain, however, the following additional charges. (24) He has endeavoured to exasperate the Indians to war and stir the English to insurrection, so as to gain a reputation for loyalty. (25) He grieves and perplexes the officers and others by his illegal and arbitrary commands about frivolous affairs. (26) He has altered and attempted to alter the constitution of Government. (27) He presses men's horses and boats in time of peace, as well for his private as for public use. (28) He issues proclamations enjoining new oaths and penalties without authority of law. (29) He intimidates the people for seeking relief from his oppressions. (30) He requires absolute obedience from the civil officers to his own particular orders without any reserve, under great penalties. (31) He requires excessive bail in inconsiderable matters, binding Mr. Gerard Slye in £2,000 to appear at Annapolis at a time when he knew that his affairs required him to return to England, on purpose to hinder him from laying his charges before the King and Council. The numbers are continued from those in the abstract already quoted. 7 pp. [*America and W. Indies. 558. Nos. 9, 91.*]*

June 23.
Kensington.

602. Order of the King in Council. Approving the draft Commission to Governor Nicholson and ordering it to be prepared for signature. *Certified copy. Signed, John Nicholas. ½ p. Endorsed, Recd. Read 1 July, 1698. [*Board of Trade. Virginia, 6. No. 50; and 37. p. 229.*]*

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June 24.

603. Declaration of the King, that during the absence of a Governor-in-Chief, one full half of his salary and perquisites shall go to the Lieutenant-Governor, which shall not be diverted to the Governor-in-Chief upon any pretence whatever. The King reserves to himself the disposal of the other half of the salary from the date of the Governor-in-Chief's commission until his arrival within his Government. *Copy. 1½ pp. Endorsed, Brought to the Board by Mr. Blathwayt. Recd. Read 24 June, 1698. [Board of Trade. Plantations General, 4. No. 117; and 34. pp. 293-294.]*

June 25.

604. Minutes of Council of New York. Committee appointed to examine Colonel Schuyler's accounts. A Committee appointed to confer with the Commissioners of Connecticut as to the towns of Rye and Bedford. Confirmation of land and of the erection of a manor in Suffolk County granted to Major-General Winthrop. On a petition as to a sloop condemned for not being registered, the Governor forgave his part of the forfeiture but not the King's. The Commission of Major Selleck and the other Commissioners of Connecticut read, after which the Governor told them that he had appointed a Committee to meet them and suggested that the conference should begin that afternoon. Colonel Henry Beeckman, being called in, refused to swear to his depositions as to the agreements respecting the bolting of flour, but on being threatened with committal, he answered five queries as to his agreement with Nicoll to procure the passing of the Act to do away with certain privileges of New York City. [*Board of Trade. New York, 72. pp. 118-120.*]

June 26.

605. Petition of Edward Walrond, on behalf of John Lucas, to Council of Trade and Plantations. John Lucas, having complied with all that is required by law from any person who intends to leave Antigua and having taken his passage to England, is detained in prison by Governor Codrington contrary to the liberty of an English subject. I beg that you will represent his case to the King and procure a mandate for his coming to England to prosecute matters of great consequence against Governor Codrington, which he says that he could effectually do were he not detained in prison. $\frac{3}{4}$ p. *Endorsed, Recd. Read 28 June, 1698. Annexed,*

605. i. John Lucas to Robert, Lord Lucas, Governor of the Tower. Antigua, 25 April, 1698. Your justice, goodness and love of liberty embolden me to lay my case before you. I contracted with one Robert Edgcomb, master of the ship Dolphin of Plymouth, to bring me and my two sons to England, shipped the goods that I required for the voyage, and took out my ticket to leave the island as the law requires. The master, however, by Governor Codrington's order refuses to take me on board, and I am imprisoned upon suspicion of having written a letter of complaints to Admiral Nevill, on which jealousy and suspicion Captain Julius, of H.M.S. Colchester, assaults me in the street and treats me very evilly, to the endangering of my life. I sought all ways and means to have reparation but could obtain

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nothing but menacing language from Governor Codrington, who in the Council Chamber threatened to break my head, calling me villain and rascal. I am a person of good fame and honest reputation always; I was for some years Speaker of the Assembly and have suffered much by this war, and now I am detained of my liberty in view of the world, which cries out shame on such proceedings. My family is put under great distractions, my estate exhausted, my person like to be destroyed by a withering durance; unreasonable bail is demanded—£500 at a time is nothing—my friends are encumbered with high bonds, and no crimes expressed but mere notions. I desire to be heard before the King and Council, and desired Governor Codrington to let me go, and if he had anything to object I would appear before the King in Council. The Council commanded me to give £500 security for good behaviour and then I might go for England, but it was impossible for me to perform the voyage according to the time fixed for Sessions. I submitted to all this, though I am still detained and sorely oppressed. I beg you to procure me an order to come to England with my children, that I may leave this Colony where I have suffered wrongs and injuries for many years. *Signed, John Lucas.* *P.S.*—Since I wrote the above, £5,000 bail is demanded or else close imprisonment, so must be forced to make over my estate. *1½ pp. Endorsed, Recd. Read 27 June, 1698.*

605. II. Copies of a series of documents, sent with the foregoing letter. John Lucas to Robert Edgcomb. 25 April, 1698. I had my goods on board and my ticket out, put in security for good behaviour £500 (your case), gave security upon security and am now detained a prisoner. You know my condition. Pray procure me with speed an order to come home, or my estate and person will be destroyed and my family ruined. Take care to deliver Lord Lucas's letter.

The same to ? . 26 April. I have entered into £5,000 bail and offered £5,000 security more to appear before the King and Council, but cannot prevail. They are hunting my son in the woods with negroes, mulattos and dogs. I doubt my child will be frightened to death. Great cruelty threatens me and my family unless speedy relief come. I have made over all my estate to my security. Pray be diligent to speed away an order for mine and my child's deliverance.

The same to ? . 27 April. My ill usage increases; soldiers night and day alarming my house, disturbing my family, entering my house and my neighbours' to search for my son, offering money to my negroes to betray him, listening at my windows what we say. I am told that young Morris and Dewer are active sparks in this matter. Edgcomb promised the Governor not to

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carry me off, though I qualified myself according to law and became security for his ship. As he detained my stock and provisions I arrested him, and he in revenge swore I told him that the Governor bailed him, which is not true. But since I can prove some other mishumour of Edgcomb, I suppose his evidence would take little with a good jury. But you know their jealousy, so you can inform the Council of Trade, for if there was nothing to be discoursed they could never hinder my coming home. They never moved me in this violent manner until I was ready to go aboard. Next week I am told that I shall be kept close prisoner. Obtain a speedy order for our deliverance. I pray God deliver us from arbitrary power.

The same to Samuel Proctor. 22 April, 1698. I enclose a bill of lading and invoice for goods shipped in the Dolphin. I was bound home, ready to depart, and had given every security imaginable when the master refused to take me. Tell Mr. Walrond of it and make application to the King and Council, for I am sorely oppressed. Captain Julius assaulted me with intent to murder me; Governor Codrington and Council threaten to beat me, and abuse me for demanding attestations against Julius. My usage is cruel. I dare not express it. Produce this letter before the King and Council.

The same to the same. 27 April, 1698. Edgcomb may prove mischievous, for I arrested him for destroying my voyage, therefore be careful to prevent any claims of his to my sugar which I shipped on the Dolphin, for he has too much damnified me. My cruel usage increases. *Repeats details of former letters.* All this is out of suspicion that I wrote home a letter of complaint by Admiral Nevill; and these violent motions did not begin until I undertook to come for England. Pray therefore obtain my deliverance. *The whole, 4 pp. [Board of Trade. Leeward Islands, 5. Nos. 86, 86 1., 11.]*

- June 27. **606.** Minutes of Council of Montserrat. The Assembly was summoned and on appearing was dissolved by the Lieutenant-Governor. [*Board of Trade. Leeward Islands, 64. p. 534.*]
- June 27. **607.** Journal of General Assembly of Massachusetts. The Tax Bill and Impost Bill were passed into Acts. John Walley and Elisha Hutchinson were appointed Commissioners under the Acts. Several votes of the Representatives for payments of salaries were agreed to. After a conference between the two Houses the Ports Bill was passed into an Act. Prorogued to 15 November. [*Board of Trade. New England, 48. pp. 249, 250.*]
- June 27. **608.** Opinions of the Attorney and Solicitor-General as to the eligibility of Mr. Mein, a Scotchman, proposed to be of the Council of Barbados. The clause of the Act for regulating the Plantation Trade runs as follows: "Provided always that all places

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"of trust in the courts of law or what relates to the Treasury in the
"said islands shall from the making of this Act be in the hands of
"the native-born subjects of England, Ireland, or of the said
"islands."

Quære, whether a man born in Scotland be within the meaning of this clause.

Answers of the Attorney and Solicitor-General, that Scotchmen, being in law natural-born subjects of England, are not within the meaning of this clause. *Copy.* 1 p. *Endorsed*, Communicated by the Earl of Bridgewater. Recd. Read 27 June, 1698. [*Board of Trade.* Barbados, 7. No. 66.]

June 27. 609. Memorandum of the receipt of the above document. $\frac{1}{2}$ p. [*Board of Trade.* Virginia, 6. No. 51.]

June 27. 610. William Popple to the Attorney and Solicitor-General. Whitehall. Submitting to them the question of the applicability of the Act to regulate the Plantation Trade to Commissary Blair. See 6 July, 1698. [*Board of Trade.* Virginia, 37. pp. 228-229.]

[June 27.] 611. Petition of Gilbert Heathcote to the King. That no advantage may be taken of Sir William Beeston for taking the oath, appointed by the Act for regulating the Plantation Trade, a few days too late. $\frac{1}{2}$ p. *Endorsed*, Sent in Mr. Vernon's letter of 27 June. Recd. Read 29 June, 1698. [*Board of Trade.* Jamaica, 8. No. 92; and 56. p. 205.]

June 27. 612. Council of Trade and Plantations to Mr. Secretary Vernon. Forwarding a report as to the fitness of Jonathan Netheway for appointment to the Council of Nevis. *Signed*, J. Bridgewater, Ph. Meadows, Wm. Blathwayt, Abr. Hill. *Here follows*, Council of Trade to the King. 27 June, 1698. We find Mr. Netheway to be a person of considerable estate in England as well as in Nevis, and as he seems to be very well inclined to your Majesty's service we think that he may be appointed a Councillor of Nevis, to continue such during his residence there and no longer, for it is inconvenient that Councillors should be long absent from their Colonies. [*Board of Trade.* Leeward Islands, 45. pp. 205-206.]

June 27. 613. Mr. Secretary Vernon to Council of Trade and Plantations. I am commanded to send you a copy of remarks made by the Ministers of the Court of Brandenburg concerning the Island of Tortola, for your examination and further consideration of that matter. I am also to enclose you a petition from Mr. Gilbert Heathcote for your report. *Signed*, Ja. Vernon. $\frac{1}{2}$ p. *Endorsed*, Recd. 28th, Read 29 June, 1698. *Enclosed*,

613. 1. Remarks on the representation of the Council of Trade on the Island of Tortola. To overthrow the just claims of Joseph Shepheard to the Island of Tortola, the Council of Trade and the Governor of the Leeward Islands rely on two principal arguments. (1) They try to dispute the ownership of Shepheard and his predecessors in that island. (2) They maintain that in any

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case possession of the island cannot be conceded to a foreigner, looking to the prejudice that would be caused to the King's Customs. To dispute Shepheard's right of ownership they lay down as a foundation that the islands among which Tortola is comprised were first discovered and settled by English, and that consequently the Crown of England has assumed the original right and ownership. The Council of Trade would find themselves much embarrassed if they were obliged (as indeed they are) to prove this statement, for it is agreed that the first discovery was not made by the English but by Christopher Columbus in 1492. This first reason therefore is unfounded, and the rest will be seen to be equally so. The Council says further that in the third year of King Charles I. a grant was made of all the Leeward Islands, between the 10th and 26th degrees of latitude, to the Earl of Carlisle; but they cannot prove that they were in possession of these islands, and in particular of Tortola, for it is notorious that the French and Dutch as well as the English have become possessors of several of the islands between those degrees since 1625; and it was undoubtedly the Dutch who took possession of Tortola or Tertholen. The name indeed is the same with that of the town of Tertholen in Zealand, which is an argument that it was taken by Zealanders, and a certain sign that it was reckoned for a Dutch island, since it is still called by this name even by the English. The English would not have given it such a name if they had been first possessors, and they would have changed it if they had become masters. Governor Codrington proves nothing by saying that he knows of no rights that the Dutch have to the island, and that its name is and has been inserted in the Commissions of Governors of the Leeward Islands. For these Commissions (if ever they were given) were on account of protection, not of propriety. They say also that in the deed of bargain between Mrs. Shepheard and her heirs, it is covenanted that if the island were not delivered within the time mentioned, the agreement should be void. But does this pretended nullity give any rights to the English? It is a weak cause that is grounded on such arguments. Again the Council of Trade says that there is nothing to show that Shepheard had any right to the island nor that it was put into possession of Sir William Stapleton by the widow and heirs of William Honthum; but a perusal of the papers disposes of this argument. The requests of the States-General on the subject, and the orders given to Ambassador Citters show the right of the widow and heirs; and King James actually ordered the island to be restored. It is therefore a grave wrong to a Prince, so nearly related to the King, to dispute so well-grounded a right. Lastly the Council alleges the convenience of the King's Customs as a reason for

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keeping the island. By such a law of convenience any man might keep another's estate. But who has told this to the Council of Trade? It cannot be Governor Codrington, for he wrote to the Director of the Brandenburgher's Company in America to say that the neighbourhood of their factory was of great commercial advantage. Moreover, in an island where there are only three or four families the customs cannot be considerable. Lastly the Council of Trade leaves it to the King, if he pleases, to give pretenders to the island compensation proportionate to its value, since the value is small. This is to treat the subject very cavalierly. Is his Electoral Highness obliged to abandon his just claims for such a price? Such a bargain might be offered to a private individual in want of cash, but it is an insult to a sovereign prince so powerful as his Electoral Highness. These are approximately the arguments which would serve to destroy those of the Council of Trade. It is hoped that finally the King will do justice to his Electoral Highness herein, for the Kings of England dispose, with sovereign rights, of all kinds of conquests, as is shown by Charles I.'s grant to the Earl of Carlisle. *Copy. French. 5 pp.*

613. II. English translation of the foregoing. $3\frac{1}{4}$ pp. [*Board of Trade. Leeward Islands, 5. Nos. 87, 871, II.; and 45. pp. 207-215.*]

June 27. 614. Journal of Council of Trade and Plantations. Lord Bridgewater delivered three letters from Mr. John Lucas of Antigua, the law-officers' opinion in the case of Mr. Mein, and Mr. Usher's letter of 12 May last.

Representation as to Mr. Netheway signed and sent to Mr. Vernon (No. 612). Draft instructions for Governor Nicholson considered.

June 28. Mr. Walrond presented a petition in behalf of Mr. Lucas (No. 605) and gave information of his close confinement from a letter addressed to himself. He promised to bring the documents that he had at home. Order for notice to be given to Mr. Cary of this new complaint against Governor Codrington, with a request to hasten his answer to the former complaints and to attend on Thursday next.

June 29. Lord Bridgewater presented a paper concerning Edward Bourke of Barbados (No. 618).

Colonel Parke offered several reasons against Dr. Blair's appointment to the Council of Virginia, and promised to put them in writing.

Mr. Secretary Vernon's letter of 27th inst. as to Tortola read (No. 613).

Mr. Heathcote's petition on behalf of Sir William Beeston also read (No. 611).

June 30. Mr. Walrond's letter of 28th inst. with enclosures read (No. 616). The Secretary was directed to ask him for the oaths taken by Captain Perrie, Mr. Quarmer and Mr. Edgecombe, if he had them.

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Mr. Cary asked that Mr. Walrond might reduce his complaints to articles before he should be called upon to answer them. He said that he knew nothing of Mr. Lucas's imprisonment, but had seen a letter from Governor Codrington saying that he had proof that Lucas was the author of a libel, and therefore would not let him leave the island.

July 1.

A number of papers as to John Lucas's case were presented. Order for a letter to the Admiralty asking that Captains Julius and Edgecombe may attend on Monday.

Mr. Heathcote's petition on behalf of Sir William Beeston read (No. 611), and copy ordered to be sent to the Attorney and Solicitor-General for their opinion.

Sir Thomas Day presented a memorial for warlike stores for Bermuda, and learning what the Board had written thereupon on 30 May to Mr. Vernon said that he would enquire what had been done therein. [*Board of Trade. Journal, 11. pp. 108-115.*]

June 28.

615. The Solicitor-General to Council of Trade and Plantations. I have perused the Acts of Massachusetts passed at a General Assembly held on 27 February, 1694-5, seven in all (*list given*) and find nothing to object to in them. *Signed, Jo. Hawles. 1 p. Endorsed, Recd. 4 July. Read 26 Oct., 1698. [Board of Trade. New England, 9. No. 31; and 37. pp. 40-41.]*

June 28.
Islington.

616. Edward Walrond to William Popple. Forwarding copies of the proceedings against John Lucas. *Signed, Edward Walrond. ¼ p. Endorsed, Recd. Read 30 June, 1698. Enclosed.*

616. 1. Deposition of Walter Quarre before the Governor and Council of Antigua. 14 April, 1698. That he heard John Lucas say that the Governor had not done him justice in not signing a warrant against William Julius.

Deposition of John Perrie. John Lucas being summoned before Council to answer certain matters, withdrew without orders and afterwards sent in a request for admission, when he asked the Council for attestations that the Governor refused him a warrant of arrest against Captain Julius. Among other words reflecting on the Governor he said that the Governor had not done him justice in refusing the warrant, for he was going to England to prosecute Captain Julius for assaulting him. *½ p.*

Warrant of the Deputy Governor of Antigua for the Provost Marshal to bring John Lucas and his son-in-law, John Austin, before Council. 12 April, 1697. *Inscribed, I [Lucas] appeared to this warrant and had no other comfort by the Governor's passion, who, when I demanded attestations of Julius's usage, shook his cane and threatened to break my head, calling me villain and rascal; but incestuous Perrie is a very honest fellow in the Governor's esteem. ½ p.*

Order of the Governor in Council for John Lucas to give, on the 16th April, security for good behaviour and appearance to answer all matters charged against him. 14 April, 1697. *¼ p.*

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Warrant of Governor Codrington for the arrest of John Lucas and John Austin and for the bringing of them both before Council at next sitting, they having failed to appear as ordered on 14 April. 20 April, 1697. $\frac{3}{4}$ p.

Order of the Governor in Council. That John Lucas give £5,000 security to answer any charge against him at next Sessions. 5 May, 1698. $\frac{3}{4}$ p. [*Board of Trade*. Leeward Islands, 5. Nos. 88, 88 i.]

June 28.
New York.

617. Governor the Earl of Bellomont, to Council of Trade and Plantations. Pursuant to my instructions to examine and report on the case of Robert Livingston, I summoned Colonel Fletcher or some on his behalf to appear before me on 16 May, with the complaint against Livingston and witnesses and evidence to justify the same; but none have appeared on Colonel Fletcher's behalf on that nor on any other day, the attorneys declaring that they had no orders to appear against Livingston. On the 16th inst. I ordered a hearing of the whole matter before myself and Council, when the Council declared that they thought they could not properly be judges of what they had themselves objected against Livingston, that they had nothing more than formerly to urge against him, and that they knew nothing to the prejudice of his reputation, adding that he was the fittest man in the province for the places which he holds, and particularly for that of victualler of the forces. They then referred the whole consideration and examination of the matter to me, desiring me to represent it to the King, as it should appear to me. Thereupon having heard Livingston and seen his proofs and the orders which he obtained in England upon a strict scrutiny of his demands there, it appears to me that the several sums of money which he claims, both principal and interest, are justly due to him and ought to be discharged here according to the said orders, the execution of which was suspended by the late Government for no reasons that appear to me just. As to his Commission of 27 January, 1696, I find him fit and capable to execute the offices named therein, and that nothing has been offered against him to render him undeserving of the King's favour. *Signed*, Bellomont. [*Board of Trade*. New York, 7. No. 76; and 53. pp. 52-54.]

June 29.

618. Memorandum as to the appointment of Captain Edward Bourke to the Council of Barbados. The said Bourke is an Irishman and a Roman Catholic, entertained the Jesuit at Barbados and had mass said publicly there. He was very great with Sir Thomas Montgomerie and Mr. Chamberlayne, and was concerned with them in fetching and entertaining the Jesuit. It is Sir Thomas Montgomerie who chiefly strives to get him made one of the Council. Bourke was but the bought servant of Tobias Frere, after whose death he lived with his son, Tobias Frere, whom he wheedled to get from him a lease of the plantation and the guardianship of his son, who was an infant of six months old when his father died. By virtue of that he has lived on the plantation for about thirteen years and paid no rent, though he brought up the infant until he was about eleven years old, when the infant died also. Bourke still lives on the plantation and will come to no account nor yield

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possession to Tobias Frere, the nephew and rightful heir by an entail of his uncle, old Tobias Frere, who brought him up. Bourke now seeks to be of the Council only to keep Tobias Frere the nephew from having the benefit of the law against him, and to keep him out of his just right. Bourke is a very loose scandalous liver. *Unsigned. 1 p. Endorsed, Communicated by the Earl of Bridgewater. Read. Read 29 June, 1698. [Board of Trade. Barbados, 7. No. 67.]*

June 29. **619.** Minutes of Council of Maryland. Depositions were given by several persons as to evil actions and speeches of John Coode, Gerard Slye, Robert Mason and Philip Clarke, and handed to the law-officers.

June 30. The papers concerning certain public money due from Governor Copley's estate were made over to the law-officers. George Plater was ordered to report as to the disposition of the public arms. On the letter of the Council of Trade of 2 September, 1697, a committee was appointed to take care for the transcription of the laws. The Council of Trade's complaints as to the imperfection of several returns was explained by the Councillors as due to the incapacity of the officers. Order for strict enforcement of the proclamation against pirates. Further deposition as to the misconduct of Coode and Slye. Several petitions read. The Governor asked for the Council's advice on an Act lately passed in Pennsylvania for prosecution of frauds. Orders as to transmission of accounts. Edward Batson sworn Naval Officer of Annapolis. Proclamations ordered for proroguing the Assembly to 20 October and for securing runaway seamen. An account was produced showing that Thomas Smithson, Speaker of the House of Delegates, was indebted in large sums to Lord Baltimore. Resolved to write to Sir Edmund Andros asking for the apprehension of Slye and Coode, who appear to be countenanced in Virginia.

July 1. Further depositions as to seditious behaviour and language of John Coode, Gerard Slye, Robert Mason and Philip Clarke, and warrants issued for their arrest. Order for prosecution of an Attorney for slandering the Government. Order for muster of the militia and a report as to the arms. Orders as to the proclamations against taking service with foreign princes and against immorality; and agreed to ask the Council of Trade to send several copies of any proclamations in future. Information was given as to the numbers of the Indians at the head of the bay. Agreed to write to the Governor of New York as to the overtures made by the Susquehannah Indians, stating that Maryland is unwilling to entertain them without New York's consent. Agreed to write to Sir Edmund Andros requesting him to see that Coode, Slye, Mason and Clarke do not escape to England, but to arrest them and send them here. Order for sale of certain public tobacco. Alexander Lumley, or a gentleman so calling himself, presented a petition, but he being in drink and asking His Excellency if he was his godfather, he was committed to custody till he should find sureties for good behaviour. Further orders as to George Plater's account of the arms-fund. [*Board of Trade. Maryland, 13. pp. 519-536.*]

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June 30.
Edinburgh.

620. Anonymous letter to Council of Trade and Plantations. There is a matter which may prove of detriment to trade if not prevented in time. Here are great preparations in hand and much tampering with some in London, especially one Mr. Waffer. I am sure overtures have been made to him, though I find no encouragement he has given them yet, but whether this be from respect to his country or from expectation of a gratuity from you upon the publication of his book I know not. I am certain that money has been offered to him and things discoursed to him, so I desire that he be examined forthwith, for the Scotch ships will sail in less than a month's time. $\frac{1}{2}$ p. *Endorsed*, Recd. Read 12 July, 1698. [*Board of Trade*. Plantations General, 4. No. 118.]

June 30.
New York.

621. The Attorney-General of New York to Governor the Earl of Bellomont. In 1664 King Charles granted to the Duke of York all the lands between Connecticut and Delaware River; and in the same year the Duke granted all between the Hudson and Delaware River to Sir George Carteret and George Lord Berkeley. In 1665 Sir G. Carteret appointed a Governor to East New Jersey, part of the grant. In 1672 the Dutch took this province and the Jerseys. In 1674 Sir Edmund Andros received New York back from the Dutch for the Duke of York. The King then granted it anew to the Duke, who gave a new grant likewise for East Jersey. Sir Edmund Andros confirmed everything done by the Dutch. New York was made a port. The Dutch duties on trade were confirmed. In 1675 the excise duty was taken off, but the other duties were exacted in 1676. Colonel Carteret was obstructed by Sir Edmund Andros in a pretension to clear a ship at Carolina. In 1678 a duty of £1 a hogshead was imposed on rum. In 1679 Governor Carteret declared East Jersey free to all vessels for trade. On that proclamation a ketch was ordered thither from Barbados, but was brought up to New York and ordered to enter and pay duty here before she took her rum to New Jersey. In the same year Sir Edmund Andros seized the Governor and Government, and called an Assembly there, but came to no conclusion. In 1681 Sir George Carteret's executors sold East Jersey. The purchasers sent Thomas Rudyard and Samuel Groome to be Governors, who erected a town at Perth-Amboy, pretended to great privileges, made some settlements there, but brought no shipping further than Staten Island, where they were allowed to convey their household goods. In Colonel Dongan's time a ship went to Amboy without reporting at New York, and was afterwards brought hither and permitted to load from this port. Complaint was made in England thereupon, and the King gave order that there might be a port at Amboy, on condition that all ships that loaded or unloaded there should pay the duties arising to the King in New York. On these conditions they accepted a Collector, and so matters continued until the Revolution, since which there have been no pretensions to a free port until now.

I offer the following reasons why Amboy should not be a free port. The revenue for support of New York cannot be duly paid if Amboy be made free; for ships will never go twenty-four miles to

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pay duty when they need go only twelve miles and be free. If the port be free, albeit there are custom-house officers there, yet abuses against the Acts of Trade will be inevitable, for the people will always prefer private gain to the general good of the English nation, and as there will be no force to suppress those abuses, the port will simply become a nursery of illegal trade. At New York, though there is a garrison and men-of-war, it is only with great difficulty that illegal trade is suppressed, and, but for diligence, there would be great disorder. It is also against the policy of England for Amboy to be a free port, for the River Hudson is the same as the River Thames. The Hudson is not so wide as the mouth of the Thames, yet the City of London is the only port appointed on the river. Again the greatest distance between New York and Amboy does not exceed thirty miles, but New Jersey cannot have above 12,000 [? 200] families of inhabitants while New York province has at least 5,000 who burden themselves for the support of the King's Government; and it is therefore reasonable that New York, like London, should be the port. The opening of Amboy would not only destroy the revenue of New York, but would force the inhabitants to leave it and so weaken it. There is no more violence done by making New York the port of the Hudson than London the port of the Thames; there are other places besides London in the Thames, but they are closed lest they should be a prejudice to London. So here too the less should yield to the greater, it being more for the King's interest that 200 should yield to 5,000, and that four or five vessels should come to New York and pay duty than that 100 sail should leave New York for Amboy. *Signed, Ja. Graham. 3 pp. Endorsed, Recd., Read 18 Sept., 1698. [Board of Trade. New York, 7. No. 77; and 53. pp. 97-101.]*

July 1.
New York

622. Governor the Earl of Bellomont to Council of Trade and Plantations. I sent you by my last a copy of my proclamation respecting the ports of the Jerseys, but I find that since then Colonel Basse has published a counter-proclamation in the Jerseys, copy enclosed. He has also written me several letters on the subject much disputing my orders and asserting the right of the port of Perth-Amboy, but he has since been with me and seen the King's orders, and I thought he was so well satisfied, that the Jerseys would submit to the Admiralty Court of New York without dispute. Soon afterwards a ship was seized there by Mr. Randolph and tried in the Admiralty Court here; but some time since, two pirates of Every's crew being seized in the Jerseys, a precept was issued from this Court of Admiralty to bring them hither. On this Colonel Basse called his Council, who were unanimous not to deliver them until the Commission for the Court of Admiralty was published and recorded in the Jerseys. Thereupon by my Council's advice I sent a command to Colonel Basse, by which being startled he ventured to send me the two prisoners. I enclose their examinations before Colonel Basse. I can find no evidence against them, so that they would be cleared on trial here, and I have no instructions to send them to England, so must admit them to bail. One of them, John Alston, is but nineteen years old, and was forced away by Every as a cabin boy of thirteen. He had no share with the rest, but only what they

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voluntarily gave him, and he had no share in any ill thing with his own hand and could not help being forced away. Such is his account, which appears to me probable and may seem to you sufficient to recommend him to mercy. I hear of two more of Every's men in Connecticut and one in Rhode Island, and have written to those Governments to seize them and send them to me; but I beg your orders as to what I shall do with them, for the evidence that would condemn them is in England, and I want your direction to send the prisoners thither, otherwise I cannot help admitting them to bail here as arrested only on suspicion. Captain Adam Balderidge has made a proposal to me for the settlement of the island of St. Mary's, which I promised to represent to you. If the matter be of such real advantage to the trade of England as he pretends, no doubt you will give it all furtherance. Mr. Balderidge is now here. He has lived for many years in St. Mary's and Madagascar, and appears to be a sober man and is reputed wealthy by his long trading in these parts. The City of New York has addressed me about an Act passed by Colonel Fletcher, which destroys their rights. The Council desired me to represent it to you, and the Agent will do so. I have already informed you of the contract made with Mr. Nicoll for the passing of this Act, and shall only add that on examination the passing of it seems manifestly to the injury of the province. It will be an ill reflection upon Colonel Fletcher that he passed it, though he has the royal prerogative of denying it; and it may be worth the consideration of Parliament to frustrate what was passed by such clandestine practices to the public prejudice. To-day I have received the answers to the letters I sent to Mons. de Callière and Count de Frontenac. I send copies, from which you will see the ill consequences of Colonel Fletcher's neglect to announce the peace to them. You will also find their pretensions to the Five Nations of Indians, whom we must support, otherwise the province will be in great danger for want of their friendship in case of another war. It is likewise the design of the Jesuits to send them missionaries, which will certainly make them revolt from us. I venture therefore to suggest that £300 *per annum*, paid on the Charter of Corporation for conversion of infidels, may be applied this way, which will support and encourage Protestant divines to instruct the Indians and thereby to oblige them to the Crown of England. No doubt this would be effected on your application to the Corporation. I await your orders as to my management in opposing any French force that may annoy the Five Nations. I shall meet their Sachems at Albany next week, and try all methods of arguments and presents to continue them faithful and prevent them from being debauched by French kindness or menaces. I send you Colonel Romer's report on the frontier forts. You will see that our fortifications are very weak and out of repair and have been most shamefully neglected, that the frontier has been destroyed and deserted this war, and that several other fortifications are absolutely necessary for defence of the country in case of another war. But I am going to visit them myself and shall then be able to lay before the Assembly the cost of making them. Mr. Randolph informs me that Rhode Island pretends to a jurisdiction of a Court of Admiralty, and that they have seized a

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pirate with design to try him and perhaps acquit him. I know not yet what privileges they have by charter, but I am well informed as to the constant encouragement that they gave to pirates to come thither and bring in their spoils, also their connivance with breaches of the Acts of Trade, so that it may be concluded that there will be but faint prosecutions in an Admiralty Court of their own erecting, and small regard paid to the Acts of Trade. This serious matter I have represented to the Lords of the Treasury, and I hope that your representations and theirs may bring about some remedy for the evil. The Attorney General has given me a memorial concerning the manner of granting land in this province since it passed under English Government. You will learn from it how Colonel Fletcher paid no regard to rules, but, upon learning of my appointment, granted away every foot of land which was to be disposed of, in such extravagant quantities that a grant to one man contains seventy miles in length by eight in breadth, and several other grants are of fifty miles and thirty miles. By so doing he has betrayed his trust, having never consulted the Attorney General therein, but has made it impossible to settle the country; for there is no land but what must be purchased from the grantees (who cannot settle it themselves) and the King and future Governors are prevented from rewarding good service in war or peace by grants of land to engage them to settle thereon. He has gone so far as to grant away great part of the garden about Fort William Henry, which might be called the King's domain. In the patents it is called "our garden," being the pleasantest part next the sea, the rest being a garden planted with herbs and fruit trees. He permitted the fences and trees to be wholly destroyed by cattle, after he heard of my appointment, and it will take fourteen years to repair the damage. A small farm called the King's farm, which usually supplied the Governor with bread-corn, he leased to the church a few months before my arrival, and a small island, for the grazing of a few coach-horses and cows for the Governor's family, he would also have leased to one who was formerly his footman, had not the Council been ashamed to consent to it. This is all that is left for the pleasure or convenience of the Governor. This is a great dishonour to the King and uneasiness to succeeding Governors, just as the extravagant grants of land are an invincible obstacle to settlement. The agent will lay before you full information, and I hope that you will cause these mischievous grants to be damned and voided. I have information that the merchants design to apply at home for the restoration of Colonel Fletcher, and I find their rage against me so increased that they load Mr. Weaver (who has been King's Counsel in these prosecutions) with false calumnies and give out that they will blacken his credit at home, as they would do mine and that of every man who would serve the King faithfully in these matters. I will be answerable for Mr. Weaver's integrity, so I beg you to countenance him and give him full credit in his representations of affairs in this province. I assure you that an honest Governor, especially of some quality, cannot have a subsistence from the salary and perquisites of this Government; but I shall none the less do all that I can for the King's honour and the trade of England, which have been so injured and

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violated here. *Signed*, Bellomont. *Postscript*, 6 July.—Yesterday I received yours of 21 March, with the order relating to pirates. My former letters will have shown you how industrious I have been since my arrival. I must remark that Daniel Honan, private secretary to Colonel Fletcher, being put on his oath, swore that he knew of no money given to Colonel Fletcher for granting protections to pirates. Since then I have positive proof that he was present when one Wick gave Colonel Fletcher £50 for a protection to one Rayner, in a bill of exchange payable to Honan. I hope therefore that you will give no credit to any attestation of Honan's in Colonel Fletcher's favour. To-day I summoned the Sheriff of New York before myself in Council, and it appearing by the oath of five credible men and his own confession that he had not allowed one voice of a freeholder of Orange County to vote, and that he had been guilty of corrupt practice and continual disturbance to the Government, I suspended him. Indeed, I durst not trust so ill a man among so mutinous a people in a post of such trust during my absence at Albany. I have received a letter of 24 February last from the Board of Ordnance, recalling Colonel Romar. Considering that our fortifications are ruined, that more are wanting, that no one else understands them, and that the French Governors threaten to fall on the Five Nations, I have thought fit to retain him till further orders, knowing that you could not be aware of these considerations. I beg that you will procure an order for him to stay till the fortifications are perfected. $3\frac{1}{2}$ pp. *Here follows an abstract of the foregoing letter.* 2 pp. *Endorsed*, Recd. from Mr. Weaver, Agent for New York. Recd. 8th, Read 16 Sept., 1698. *Enclosed*,

622. i. Proclamation by the Governor of East New Jersey, to the effect that Perth-Amboy is still an open port. 30 May, 1698. *Sealed with the seal of New Jersey, but unsigned.* 1 p. *Endorsed*, Recd. from Mr. Weaver, 15 Sept., 1698.

622. ii. Copy of a letter from James Graham to the Earl of Bellomont, 30 June, 1698. As to the manner of granting lands, in the Duke of York's time the Governor made grants of land on condition of the obedience of the grantees to existing and future legislation. It was then the law that any land which was not improved or settled in three years should revert to the grantors. This was to ensure the settlement of the country and prevent people from keeping large tracts of land waste. The quit-rents were generally one bushel of wheat to every hundred acres. Grants rarely exceeded 2,000 acres and were generally under 1,000 acres. When large grants were made the grantees were obliged to settle a township or so many families as the land could support. The first King's Governor, Colonel Dongan, pursued the same system, but removed the general condition and retained only the quit-rent, sometimes one bushel of wheat for a hundred acres and sometimes as little as half-a-crown. At the end of his government, however, when intelligence came that the province was to be

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annexed to New England, he made large grants and gave considerable tracts of land on Hudson River to particular persons, with small quit-rents. While New England and New York were joined, no grants were made, but Sir E. Andros's instructions fixed the quit-rent at half-a-crown *per* hundred acres. There were no grants made during the Revolution, and but few and inconsiderable under Governor Sloughter. When Governor Fletcher arrived the province was warmly engaged in war, and the great rates then raised discouraged new settlements. Sometime afterwards the out-settlements of Albany were deserted, and the people coming down to the seaside put a value on land in Long Island. Governor Fletcher granted tracts of 1,000 acres to some gentlemen on the island, they having warrants for the same from former Governors. In 1694 he made further grants of a considerable tract to Captain Evans and of smaller lots at the usual quit-rent of half-a-crown, but in 1697, on the news of Lord Bellomont's appointment to succeed him, he made greater grants than in the whole of the rest of his Government. His method was to give a positive order to the Attorney-General to prepare such grants, without consulting him as to their effect on the King's interest, as Governors were accustomed to do. Formerly the Attorney-General always attended in Council when petitions for land were read, and gave his opinion whether they were prejudicial to the King's interest or not, but on Colonel Fletcher's coming he was discharged from this attendance and told that he would be summoned if wanted. Not two references were made to him afterwards respecting grants. The old method was this. If the lands were not purchased from Indians, application was made to the Governor and Council for permission to purchase. The order for purchase was then made in the presence of the magistrate of the district where the land lay and within a certain time; and if that method were not followed, the purchase was void. If the purchase were regular, a petition was generally preferred to the Governor in Council for a grant of the same at a moderate quit-rent. If the tract were small, it usually passed in course; but if it were considerable then (under the Duke of York) the magistrate of the district was required to report thereon, and the matter was afterwards referred to the Attorney-General. Thus the King's interest was safeguarded. But by the violence done to the old rules in the former Governor's time I find that the King's interest has suffered much, particularly by the grant of the Maquas' land and that granted to Henrico Rensselaer, which if held will destroy the Indian trade at Albany and drive the Indians from the frontier. Now there is hardly a foot of land, suitable for settlement, left to

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the King to grant; and what is granted is in the hands of so few that they cannot settle it in themselves, while planters are unwilling to settle unless they can enjoy a freehold, for it costs at least £4 an acre to clear land. Thus all our youth must leave the province and settle in neighbouring colonies. New York will decay both in population and trade, and the revenue will fall, for the King has not a foot of land to grant to those who have done good service in war and would addict themselves to husbandry in peace. The province will never be peopled without husbandmen, and if there is no land there will be no husbandmen, who from their labour are best trained to endure the fatigues of a soldier. *Signed, Ja. Graham. 3 pp. Endorsed, Recd. 15th, Read 23 Sept., 1698.*

622. iii. Grants of land made by Governor Fletcher. A tract of twenty-four or thirty miles in length to Nicholas Bayard, 12 December, 1695. A tract of some seventy miles in length on the east of the Hudson to Godfrey Dellius, 3 Sept., 1696. Two tracts in Dutchess County and along the Hudson River to Henry Beeckman, one of them about sixteen miles square, the other about twenty miles by eight. Sundry tracts in Suffolk County to William Smith, about fifty miles in length, 17 June, 1695. Several tracts on the west of the Hudson to Captain John Evans of H.M.S. Richmond, about forty-four miles by twenty-two, 10 Sept., 1684, and 15 April, 1685 (*sic*, errors for 1694, 1695). 3 pp. *Endorsed, Recd. 15th, Read 26th Sept., 1698.*
622. iv. Copy of the grant of part of the King's Garden, New York, by Colonel Fletcher to Caleb Heathcote, for an annual rent of one shilling, and of the lease of another part of the garden for forty-one years at four shillings a year, New York money. 2 April, 1696. 2½ pp. *Endorsed as No. ii.*
622. v. Copies of Colonel William Romar's correspondence respecting the fortifications of New York. Lord Bellomont's instructions to him to survey all the fortifications of the province. *Dated, 17 May, 1698. ¼ p.*
 Colonel Romar to the Earl of Bellomont, Albany, 27 May, 1698. I arrived here on the 23rd inst., and finding a favourable opportunity at once went to Senectady, forty miles away. Senectady is admirably situated, and from the importance of its position on the frontier deserves to be taken in hand at once. It is a pity and shame to see a frontier so neglected as this has been. Had the public interest been preferred to the private gain, which has been divided among a few individuals for a devil's harvest, the enemy would never have made such mischievous captures from the good people at large [*this sentence is most obscure in the original*]. I find the frontier at Albany as important and even more important than the other, since it covers all Connecticut

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and New England on one side, New York and the Jerseys on the other, and controls the communications by water generally. The situation is curious and difficult, but at a moderate cost I could make it proof against any enemy. I think that the necessary plans will take me four weeks, and I shall begin to-morrow, and shall not fail to be diligent. *French.* $\frac{1}{2}$ p.

Colonel Romar to the Earl of Bellomont. Albany, 13 June, 1698. Since my last I have visited the Half-Moon, which I think of little value, but there is a place seven leagues further up the river called Saratago which should be an important post. If you please, I will wait upon you or give you as well orally as in writing an account of both. I have been surveying this town and its approaches, and was just drawing it out when I had the misfortune to spill a bottle of ink over my papers. This will necessitate my doing much of the work a second time, and will delay me for some days. I have also, besides other mishaps, been ill for some days, so I hope you will excuse me if I cannot present myself as soon as I had hoped. I am told that you are coming here at the beginning of next month, and in this case I would suggest to you the need of a good and faithful interpreter. It will be very difficult for you to find one here; I will go so far as to say that you will not find a faithful one, such are the divisions and the jealousies. They may flatter you to the contrary and say that a woman can save you your interpreter, but this is only to abuse you and to keep you ignorant of important matters. I find everything in confusion owing to the dealing of some of your predecessors, and of men who prefer their private intreat to the public. I venture to recommend to you Arnout Cornelissen Vile (? Vielle) as a faithful interpreter. He lives in Long Island Bay, and Dr. Staats will bring him to New York for you. I recommend you to send your *calèche* forward, with your smallest harness. Horses can be procured. The roads to Senectady and Canestagione are good and safe. I shall visit the latter before your arrival, if you will let me know the day of your departure, so as to have as much as possible ready for you at your coming. I find great difficulty in preparing estimates for a new work in brick or stone, for the people here are ignorant wretches, without any experience. I shall be obliged to work out everything for myself, which will take time. *French.* 1 p. *Endorsed as No. III.*

622. VI, VII. Copies of Lord Bellomont's letter of 22 April, 1698, to Count de Frontenac, and of his instructions to the bearers thereof. (See Nos. 504 I., II.) *Endorsed as No. III.*

622. VIII. Count de Frontenac to the Earl of Bellomont. 8 June, 1698. Colonel Schuyler and Mr. Dellius

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brought me your letter three days ago. I observe your wish to maintain a good correspondence now the peace is concluded. Though I have no confirmation of the news of peace from France, I have always treated your prisoners with such humanity that I shall make no difficulty over restoring to your messengers as many English and Flemings, willing to quit the country, as can be collected within my Government during their stay. This has always been my practice in war notwithstanding the ill-treatment received by Captain de Villieu at Boston and by many others, contrary to the law of nations and even to express agreements. I am sure that you will not approve this and that you will not allow the privateer-captain Batiple to be kept longer in chains and subjected to such rigorous treatment. I learned nine days ago that a party of prisoners had been returned from Boston to Port Royal, and I am much obliged to you for those returned by your frequent messengers, few though they are. But I cannot understand how you can have charged those gentlemen to ask for the release of the Iroquois that we have among us, and to promise the return of your French Indians. They were in negotiation with me last autumn, and as they left a hostage with me as pledge of their word, it is for them to effect his release and to bring back our Indians, if they are willing to agree to it. It would be useless pains for you to interfere herein, for these Indians are children who have disobeyed their father; they have been always under the sovereignty of the King for many years, and were so before the English took New York from the Dutch. Our missions have been among them for more than forty years; we have kept garrisons in their villages; they have given me their children whom I have had educated under my eye. These and many like matters prove certainly that they have always been under the protection of the King of France. My orders in the question are so precise that I cannot transgress them until they are superseded or until the Kings, our masters, shall have agreed, by themselves or by their commissaries, as to the difficulties that may be raised. My orders, however, will not change the good relations which I hope to maintain with you. I have stopped our Indians from making fresh attacks on the English settlements as soon as I heard the first intelligence of peace. I have given the like orders to the Indians on the side of Acadia, but they are far distant and, I am told, much irritated that several of their prisoners were not sent back with the French from Boston. I fear, that unless you release these prisoners at once, these Indians may enter upon hostilities which will give trouble to both of us. I cannot therefore absolutely make them restore their English prisoners as they have

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often been deceived by similar propositions of peace, and have given back their prisoners receiving not one in return. No messengers could have been more agreeable to me than Colonel Schuyler and Mr. Dellius. They are anxious to rejoin you before you leave New York, so I cannot detain them longer. The King of England could have sent no one more agreeable to me, in every account, than yourself, as his Governor.

Copy. French. 2 pp.

Mons. de Callière to the Earl of Bellomont. Montreal, 17 June, 1698. Colonel Schuyler and Mr. Dellius have brought to me your letter and nineteen French prisoners, whom I have at once sent on to Count de Frontenac. I have his orders for the release and reconducting of your prisoners among our Indians. I will do all I can for the maintenance of good relations between us. *Copy. French. ½ p. The whole endorsed as No. III.*

622. IX. Report of Peter Schuyler and Godfrey Dellius of their mission to Count de Frontenac. We left Albany on 8 May. On the 15th we met French Indians in a canoe on the lake bringing furs for sale to Albany. On the 16th we saw on the lake's shore two French Indians in their war paint, who told us that they were going by Mons. de Callière's orders to call back the canoe aforesaid; but we found out from a Canadian prisoner, whom we were escorting, that they were on their way to Albany to make a few prisoners to gain intelligence. We were therefore obliged to take them along with us. On the 19th we reached Montreal, delivered to him our twenty prisoners and your letter, and made your compliments to him. On the 20th several French Indians, men and women, came to see us, whom we received civilly, giving them little presents. They told us that six of our Iroquois were in prison, and on visiting them we found they had been wounded in an engagement with the Algonquins, in which our Indians lost twenty-four killed, and these six wounded, while the other side lost ten killed and two wounded. We asked M. de Callière to release them, but he replied that he could not do so without leave of Count Frontenac, to whom he had written. We told him of the Indians in their war-paint, whom we had met, but he would not confess that he had sent them to take prisoners. During our interview we fell on the subject of the Five Nations, when he told us that Count Frontenac expected their ambassador, to beg peace, at any moment, and that they were to bring in all their French prisoners. We rejoined that it was absurd for our Indians to make peace with Canada, since as subjects of the King of England, they were included in the general treaty. He said that our Indians were at war with Canada before the general war broke out. We replied, that unless our memory failed us, M. de Denonville had

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asked Colonel Dongan to make our Indians plunder the French Indians who were bringing furs to New York, and that, although Colonel Dongan refused to give any such order, our Indians getting wind of it and resenting the treacherous capture of several of their men, made war upon Canada. He laid great stress on the records, saying that the Five Nations had submitted to their protection, and called Count Frontenac "father." We answered that the word "father" was a compliment, taught them by the Jesuits, that our title to sovereignty was better founded than theirs, and that we could not see why our Indians should visit Count Frontenac to make peace, any more than the French Indians should come to Lord Bellomont for that purpose. The interview ended with his opinion that this difference should be settled by the two Crowns, that all necessary matter had been formerly sent to France for the purpose, but that all had been interrupted by the Revolution in England. We answered that we hoped Count Frontenac would leave it to you to discipline our Indians, as most conducive to the general tranquillity.

On the 21st we left Montreal and on the 25th reached Quebec, where we paid our respects and yours to Count Frontenac and gave him your letter, who received us very civilly. On the 26th the superiors of the Jesuits and lay-fathers called on us and said that they hoped to pay us a visit at Albany shortly and that they wanted to send their missionaries again among our Indians. We begged them not to trouble themselves so far, as our Indians are under the care of Dr. Dellius who is under the Bishop of London, to whose diocese they belong. They were much astonished and were obliged to say that they were paid for their mission, receiving 24,000 livres a year from the King of France. We answered that our King equalled if he did not exceed the King of France in generosity and piety, but that with the Jesuit fathers anxiety to seduce our Indians to their side weighed more than the salvation of their souls, as we had learned but too well in the late war. On the 27th we asked Count Frontenac for the release of our prisoners, English and Indian, and for the re-establishment of trade. He replied that he would give orders for release of the Christians, but that he could not release the Indians till their ambassadors came to make peace, as they were hostages for the coming of the said ambassadors. We replied that these pretended ambassadors, now held as hostages, were only five or six individuals working without orders, as the sachems of the Five Nations had informed us at Albany. They had protested against this pretended embassy and had told us that it was a trick. Count Frontenac rejoined that the Five Nations had always been subject to France, that French missionaries and garrisons had been among them for

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forty years, that they have assumed the arms of the French King, that the Five Nations called him "father," that the English had not long possessed the country, that no mention of Indians is made in the treaty of peace, and that the Indians had once given him as many as twelve of their children to be educated. We answered that the English had always enjoyed sovereignty peaceably over the Five Nations, that the missionaries had only been tolerated by the indulgence of the English, and that the garrisons, so called, were no more than the servants of the missionaries to protect them against insult. The French Royal Arms might have been fixed up a hundred times without any right, though the English agents had frequently removed them. As regards possession, if that of the English was not of long date, it was so in virtue of the rights and privileges of the Dutch, which they had acquired, and it was unquestionable that the Five Nations had been dependent on the Dutch. As regards the treaty of peace, it was unnecessary to mention them any more than other subjects of the King. The title of father was only a compliment learned from the Jesuits. As regards the delivery of children to Count Frontenac, the like had been done to the English and before them to the Dutch. Count Frontenac replied to this that he and Lord Bellomont would never agree upon this point, and that he should refer it home for decision. We then insisted on the release of the hostages, and of the six wounded Indians, to give you an exact account of the fight with the Algonquins. Count Frontenac declared that he could not do so; his orders were exact; and if the Five Nations would not come and make peace, he would invade them and compel them. We answered that we knew nothing of his orders, but that the discharge of these Indians would conduce much to the general tranquillity; that if he did not comply with your request, you could not be answerable for any unpleasant consequences, but that if he did you would pledge yourself that the Indians should observe the peace strictly. At the end of this interview Count Frontenac told us that he had a letter that the King and Parliament of England had declared the Prince of Wales heir presumptive to the Crown, and had granted a pension to King James; and we had much trouble in undeceiving him.

On the 28th we were at the Intendant's, where were several Indians whom Count Frontenac had ordered to release their English prisoners, and who refused to do so on the pretext that their own people were still detained at Boston. Count Frontenac sent them to us, but we refused to speak to them, saying that our business was with the Governor and not with Indians, and that we were surprised that these Indians, though subjects

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of the French King, had so little respect for his Governor; that if the Bostonians had done them any wrong it was not for themselves, but for the Governors on both sides to take cognizance of it. At this time a Jesuit came in who had returned from Acadia with ten or twelve Indians, and who told us that within the last three weeks a party had gone to war with New England. On this we shewed our displeasure, pretending to be sure that these Indians had heard of the general peace immediately after their outrage close to Boston on 13 February; and we added that unless Count Frontenac disciplined his Indians better, obliging them to release their prisoners and preventing them from sending out hostile parties, Lord Bellomont would find the means to bring him to reason, and Count Frontenac would be answerable for the consequences. On the 29th we pressed the same matters on Count Frontenac, who excused himself, saying that he had sent orders in a contrary sense to Acadia last winter, but that perhaps the messenger had lost his way, and that possibly the English Indians were the guilty parties, being not yet perfectly distinguished from the French. He complained greatly, even violently, of the gentlemen of Boston, saying that they kept ill-faith with their prisoners, both French and Indian, and ill-treated them; to which we answered that we could not believe it, and that, if it was so, Your Excellency would remedy it. On the 30th Count Frontenac brought to us all the prisoners of both sexes who were in the town, of whom all but two or three refused to come back with us, insomuch that we were reduced to ask for the children of fourteen years and under. This he granted to us, though after some trouble. There were still some that had hidden themselves, but he promised to send them back by first opportunity. On the 31st we took leave of Count Frontenac. On the 2nd of June we reached Trois Rivières, where the Governor gave us a few prisoners, and left it on the same day. On the 4th we reached Montreal, where the Governor gave us some prisoners and ordered canoes and provisions for our journey. We took leave of him on the 8th, but before our departure we had encouraged some French Indians to meet us at Chambly on a fixed day to go with us and settle among us, promising to instruct them in the Christian faith. They duly appeared, about forty of both sexes, with five or six hundred beaver-skins. On the 11th the Commandant at Chambly seeing the arrival of these Indians sent an express to the Governor of Montreal, who at once dispatched two Indians to stop them, but none the less we brought them all away with us on the 12th. On the 22nd we reached Albany with twenty-two English prisoners. We reckon the number

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of settlers who bear arms at between three and four thousand. The fortifications are but mediocre. There are five or six garrisoned forts along the river between Montreal and Quebec, but there is in them but one gun to fire the alarm. The fortifications of Quebec are nothing extraordinary; the difficulties of navigation being their greatest safeguard. Apart from the convents and religious houses it hardly deserves to be called a town. There are not above forty guns mounted. There are two bishops, and the various priests, lay-brothers and religious bodies exceed two hundred. The wealth of the inhabitants seems not to be great; paper money is current instead of gold and silver. We venture to add that unless the Court of England takes the instruction and conversion of the Indians to heart we shall lose the Five Nations through the strenuous endeavours of the Jesuits, who will be careful, in the future as in the past, to send missionaries among them and draw them to Canada. For this wish for instruction in Christianity is the one thing that has made them leave their country for Canada. *Copy. French. 8½ pp. Endorsed, Recd. 15th, Read 27th Sept., 1698.*

622. x. Deposition of John Elston taken, at Perth Amboy, 27 May, 1698. In 1692 I shipped myself from London with the lieutenant of Captain Gibson, Every being then mate, and sailed for Corunna, where the crew deserted and turned Gibson out in the pinnace. I was asleep at the time and coming up found the ship under sail. Gibson was put ashore at the Cape de Verdes, and then we sailed to the Guinea coast where we took two ships. Thence we went to Madagascar, and thence sailed to the Gulf of Arabia in the Red Sea, where we got in fresh provisions, the inhabitants being very civil to us, and went to the entrance of the Red Sea, where we lay an anchor three weeks waiting for ships and four or five sail joined us in company, and thence sailed to the Bay of Bengal, where we took a ship of 600 tons with £20,000 in money on board, and another of 1,600 tons, reckoned to be worth £200,000. From thence we went back to a French Island near Madagascar and thence to Providence in the Bahamas. Captain Every with about sixteen men bought a sloop and sailed, as I believe, to England. The rest of us dispersed, and I came to New Jersey. *2½ pp. Endorsed, Referred in the Earl of Bellomont's letter of 1 July, 1698. Recd. from Mr. Weaver and read 19 Oct., 1698. Entered in Board of Trade. New York. 72. pp. 497-501.*
622. xi. Deposition of William Merritt taken on 27 May, 1698. A very brief confirmation of the substance of the preceding. *1 p. Endorsed as No. ix. Entered in Board of Trade. New York, 52. p. 502.*

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622. XII. Copies of correspondence between the Governors of New Jersey and New York.

Governor Basse to the Earl of Bellomont. Perth Amboy. 17 June, 1698. I have received a precept for the delivery of two prisoners for piracy and have laid it before Council, it being the first writ of the kind that ever came into the province. They were unanimously of opinion that such precepts should be obeyed, but withal judged it reasonable that your Commission of Vice-Admiral should be recorded in this province and published here and in all other provinces to which it extends, as superseding the pretensions of the Proprietors to rights of Admiralty. For these reasons I stopped a precept ready drawn to the sheriff to deliver up the prisoners, not thinking it safe to act contrary to the opinion of my Council until I receive further orders, together with a publication of yours and the Judge Admiral's commissions, which I hope may be as speedily as possible, for our gaol is not as secure as that of New York. *Signed, Jer. Basse.*

Governor the Earl of Bellomont to Governor Basse. New York, 18 June, 1698. I have laid your letter before my Council, who agree with me that your disobedience to a precept from the Admiralty Court of New York is a high contempt of the King's authority, and that your Council's opinion cannot justify you. You acknowledge that you are aware of the said authority, and you acknowledged it to Colonel William Smith who offered you further satisfaction, if you desired it, when you were last in New York. You then replied that you were fully satisfied and would obey the precept. The Jerseys being subject to the Admiralty Court of New York, and the powers of the said Court being on record, access to the said records is sufficient publication for the Jerseys, and will take away all excuse for your disobedience. I now require you, therefore, to yield obedience to those precepts as you will answer the contrary at your peril. *The whole, 1½ pp. Endorsed as No. x. Entered in Board of Trade. New York, 52. pp. 494-496. [Board of Trade. New York, 7. Nos. 78, 78 L.-XII.; and (without enclosures) 52. pp. 414-431.]*

July 1.
New York.

623. Governor the Earl of Bellomont to the Lords of the Treasury. In mine of 25 May I gave you an account of the prejudice done to the King's revenue by the corruption of the officers here. Having personal observation of Mr. Brooke's shortcomings I have suspended him from the Council and from his offices. For instance, the ship Elizabeth was seized in this port for importing Scotch goods. She produced false certificates and was libelled in the Court of Admiralty; yet by Brooke's own proposal in Council she was discharged on the oath of the master and supercargo and was never brought to trial. Mr. Randolph assured me

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that the certificates were demonstrably false, and the discharge illegal. The same ship has since been seized for illegal acts by Mr. Randolph in Virginia, and since my arrival Randolph was arrested on account of this seizure, as I have already reported. I had a suspicion that Mr. Brooke was at the bottom of this arrest, so I sent for Captain Simms, who brought the action against Randolph and is a friend of Brooke's, and asked him whether Brooke put him upon it. He did not confess it, but owned that Brooke had said that he was very glad of it. Such abetting of a vexatious suit against the Surveyor-General was most improper in a Collector of Customs. Since my arrival here the ship *Fortune* was seized by Mr. Brooke. *Here follows an account of this transaction, in substance the same as given in No. 472.* Brooke has gained such love among the merchants by his tender deportment in his office, that I hear he is getting attests from them as to his civil carriage, justice and integrity, which will be good proofs to give against him. I have a copy of a like certificate given to Colonel Fletcher, who had a right understanding and friendship with Brooke. Both, I believe, were in intimate relation with the merchants concerned in the rich lading of the *Fortune*. *Here follow further particulars already given in No. 472.* Brooke may try to excuse himself by saying that he had no boat, but I had ordered one of the man-of-war's boats to attend him. Colonel Fletcher made an establishment for a boat, cockswain and eight oars at £30 *per annum* for the pleasurable service of the Governor only, but I have now appropriated her to the sole use of the officers of Customs. It is observable that the house of the Sheriff of New York, where Mr. Brooke constantly dined and spent the best part of the day, was found empty of uncustomed goods when ordered to be searched by me, though some East India wrappers were found which had not been secreted like the rest. Colonel Fletcher told me himself that Brooke's place was more profitable than the Governor's, yet he has made few seizures or forfeitures. Mr. Randolph told me that the Commissioners of Customs had ordered Brooke to be Collector for Connecticut, with power to substitute officers to prevent the illegal trade there, but that he had neglected to take out that authority. I find that he was of too roving a temper to attend his employ closely, for though sole Collector in this province, he diverted himself by making voyages to England as joint Agent with Mr. Nicoll, to Pennsylvania in compliment to Colonel Fletcher, and to Boston in compliment to Sir Francis Wheler, making over his duty meanwhile to merchants. None of these voyages had any relation to the King's Customs. I have appointed Colonel van Cortlandt and Mr. Monsey to be Commissioners to perform Mr. Brooke's office in his place. I had occasion to send the latter to seize some uncustomed goods in Mr. van Sweeten's house. *Here follows a repetition of the scene already given in No. 593.* On Mr. Monsey's resignation I have appointed Mr. Ducie Hungerford joint Commissioner with Colonel van Cortlandt in his place. I assure you that all I have reported to you is truth, according to the best discoveries I can make, but people are so corrupted here that my vigorous proceedings to support the Acts of Trade are making open war with them. Nevertheless I shall continue to do my duty in reliance upon your support, hoping that I

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may not have as great vexation in answering frivolous and false clamours as they give me trouble in preventing their base unlawful trade. All the papers bearing on this letter will be laid before you by Mr. Thomas Weaver. Pray give him your favour and countenance. He will satisfy you as to my reasons for displacing Monsey and Brooke. *Signed*, Bellomont. $3\frac{1}{4}$ pp. *Endorsed*, Recd. 8th, Read 14th Sept., 1698. [*Board of Trade*. New York, 7. No. 79; and 52. pp. 441-451.]

[July 1.] **624.** Abstract of the preceding letter. 2 pp. [*Board of Trade*; New York, 7. No. 80.]

July 1. **625.** Memorial of Sir Thomas Day to Council of Trade and Plantations. Governor Day sailed for Bermuda some time since. There are no stores now in the Island, but there is an opportunity for sending some by a ship now lying in the Downs, which will sail for Bermuda in two or three days. When this ship left Bermuda there was but one barrel of powder in the Island. It is very rare to find a ship bound thither. I beg, therefore, that some stores may be sent by this opportunity. *Unsigned*. *Scrap*. *Endorsed*, Memorial of Sir Tho. Day. Recd. Read 1 July, 1698. [*Board of Trade*. Bermuda, 3. No. 27.]

[July 1.] **626.** A collection of papers sent to the Council of Trade and Plantations by Lord Lucas.

626. 1. John Lucas to Lord Lucas. 28 April, 1698. Since my last letter further cruelties are offered me. My house is beset with a number of people, negroes and mulattos day and night, and but the other night Governor Codrington sent his groom and others, who entered my house and searched for my son, looking into my bed—such a piece of immodesty as a gentleman cannot endure. All this while I was a prisoner by the Governor's warrant until I should produce my son before himself and Council; but this is not enough; my son, a youth of tender years, must be hunted with dogs and heathen. Were I guilty of murder or treason I could expect no better, but here is only suspicion that I have written a letter of complaint to the Council of Trade and that my son copied it, for which they say they will put him to his oath. I cannot endure this precedent, that a son or a prentice should betray the secrets of his father or master, when the subject is desirous to give information to the King. I have been and am still ready to give £5,000 bail to come to England and appear before the King, answer all questions that may be asked of me and give information from time to time of the causes of the great decay of the Leeward Islands. I have suffered much from the war myself, and we have put the Crown to great charge for squadrons and regiments. I am sensible of the services that they have done; but I must add that if

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the Council of Trade expose the complaints of maladministration sent to them, they will never (as in the present case) be truly informed. I dare not impute this mistake to the Council of Trade, for I am told that this copy (*sic*) was sent from Martinique by a Roman Catholic, and such persons are too much in fashion here. If this person were not guilty, why should I be hindered from coming to England? I will bear all hard usage that may be put upon me until relief, for I am a loyal man and never was guilty of anything but assertion of the liberty of the subject. The King's Commission directs that we shall make laws as near as may be agreeable to the laws of England, and until the King express himself to the contrary, I cannot believe that my life and liberty can be taken from me but by way of law, though some abuse Governor Codrington's ears that he hath the ordinary lording power. *Signed*, John Lucas. *P.S.*—I am now chosen an Assemblyman by almost unanimous vote. $1\frac{1}{4}$ pp.

626. II. John Lucas to Lord Lucas. 25 April, 1698. (*See No. 605 I.*)

626. III. Duplicates of the documents abstracted in No. 616 I. *The whole endorsed*, Communicated to the Board by Lord Lucas. *Recd.* Read 1 July, 1698. [*Board of Trade.* Leeward Islands, 5. Nos. 89, 89 I.-III.]

July 1.
New London,
Connecticut.

627. Major-General Winthrop to William Popple. I was very sorry to leave London before thanking you for your many favours, but I was obliged to hurry away on news that the ship was ready to sail. The letters of the Council of Trade have been duly delivered to the Governor and Company. The freemen have elected me Governor for the ensuing year here, when I shall do my utmost to do my duty and to promote the King's interest. I shall be very happy to have an interview with you. *Signed*, J. Winthrop. *Holograph*, $1\frac{1}{4}$ pp. *Endorsed*, *Recd.* 8 Sept., Read 20 Oct., 1698. [*Board of Trade.* Proprieties, 2. No. 22.]

July 1.
New London,
Connecticut.

628. Major-General Winthrop to Council of Trade and Plantations. I thank you for your singular favours to me while acting as Agent for Connecticut. The country has elected me to be Governor for the ensuing year, when I hope to receive your commands for the King's interest. I delivered the King's letter and yours to the Governor and Company; and your directions therein shall be complied with. Your request to be furnished with a copy of the laws I shall recommend to the Assembly next session. Your letter of 21 March last, with a copy of the Jamaica Act against pirates, is lately come to my hands. I find this Act in our records, and that it was put into force in 1684, such was our constant care to prevent the growth of that mischief. I have ordered the Act (of which I enclose copy) to be reinforced by proclamation. I can faithfully assure you that not one vessel was ever fitted out here on a piratical design nor harboured in these ports, and that the King's orders

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herein shall be faithfully obeyed. *Signed*, J. Winthrop. *Holograph*. 2½ pp.; with a *précis* inscribed. *Endorsed*, Reed. 8 Sept., Read 20 Oct., 1698. *Enclosed*,

628. 1. Copy of the Act of Connecticut for restraining pirates, dated 4 July, 1684. 2½ pp. [*Board of Trade*. Proprieties, 2. Nos. 23, 23 L.; and (without enclosure) 25. pp. 234-236.]

July 1.
Whitehall.

629. William Popple to the Attorney and Solicitor-General. Referring to them Gilbert Heathcote's petition of 27 June (No. 611) for their opinion whether the King can remit to Sir William Beeston the penalty incurred by him, and whether Sir William by his omission has in any way incapacitated himself for the Government of Jamaica, and if so how he may be rehabilitated. [*Board of Trade*. Jamaica, 56. pp. 206-207.]

July 1.
Whitehall.

630. William Popple to Gilbert Heathcote. Forwarding to him the preceding letter, to deliver and procure an answer. [*Board of Trade*. Jamaica, 56. p. 207.]

July 4.

631. Minutes of Council of Massachusetts. Order for payment of the expenses of Sheriff Samuel Gallop for execution of several warrants. [*Board of Trade*. New England, 49. p. 161.]

July 4.

632. Minutes of Council of New York. The Governor informed the Mayor and Aldermen of New York of his intended departure for Albany. He then communicated to the Council the letters of the Governors of Canada and Montreal, whereupon it was advised that copies thereof be sent to the King, and that meanwhile the Governor contravert the Governor of Canada in his claim to sovereignty over the Five Nations. On the petition of Mr. Delancey an injunction in Chancery was granted to him. Sundry minor petitions dealt with. Orders for sundry payments to Chidley Brooke on account of salary and incidental charges. [*Board of Trade*. New York, 72. pp. 123-124.]

July 4.
Philadelphia.

633. Robert Quarry to Council of Trade and Plantations. On my way hither I visited Governor Nicholson, who was very importunate that I should execute the power of the Admiralty Commission and give him an account of those matters in this province. I have so much respect for him that his wishes are to me commands. As soon as I came here I made enquiry and gave him a true account of that affair, which I suppose he will lay before you; but lest it should miscarry I thought it my duty to report to you. I found that Mr. Randolph had commissioned one Mr. Radney, who lives over a hundred miles from this place, to be Register of the Court of Admiralty, and one Robert Webb, to be Marshal, who is not at present in the province, nor is it known when he will be, so that at this rate the King's business cannot be done. The Advocate, the most essential officer, is in England, and as I am informed never designs better. By Governor Nicholson's order I discoursed Mr. John Moore of this place, a practitioner of the law and the only fit man for the place, and find him willing to undertake it if provided with a suitable allowance. There are several matters pending which cannot be determined until the

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Court of Admiralty is settled, and though these difficulties may easily be removed, yet there is one thing which can only be remedied by the Royal Authority. This is an Act of Assembly lately passed by this Government, which has removed the obligation of an oath in all matters relating to the Acts of Trade and Navigation, though in a former law of 7 November, 1696, they had sufficient regard for the King's interest to insert a proviso that no person should be excused from swearing who was required or should be required by the Acts of Trade and Navigation to do so. But this proviso they have now repealed, and have further enacted that when any plaint or information shall be exhibited against any person in any Court of the Province upon breach or non-observance of the Acts aforesaid, the manner of trial shall be according to common law before a jury of twelve. Hereby my commission as Judge of Admiralty is quite destroyed, for I cannot allow trial by jury, and this law will not suffer the Court to try without a jury, so that my hands are tied until I receive further instructions from you, when I shall have the courage and resolution to assert the King's authority in opposition to this law or any other that they may make. The necessities of the King's affairs here require a speedy decision. I ventured when in London to inform you that the trade here could not be watched without a small vessel of force to ride constantly between the Capes of this bay and examine all ships going in and out. The Swift which was ordered hither has been called away. I offered to furnish a ketch fully equipped and to give security to fulfil this duty on such terms as would have saved the King many pounds a year. Any vessel that is sent hither must expect to have her bottom eaten out by the worm every summer. I also proposed to lay before you the great charge and trouble that I must be at in travelling and other expenses of my commission. The officers of the Court and others who attend it will expect me to bear their charges. The Governor of the Jerseys told me yesterday that he had seized some pirates of Every's crew, and that other matters of Admiralty required me to hold a Court there. I have reckoned that it will cost me at least £25 to £30, besides the fatigue of a tedious journey and the neglect of my business. I asked formerly for a suitable allowance, but the Commissioners of Customs told me that a salary could not yet be settled, though they would find out something that might be an equivalent. I beg your consideration hereof, for I am not like other Judges of Admiralty, who have no occasion to stir from their own home and enjoy the support of the Government. *Signed, Robt. Quarry. 5 pp. Endorsed, Recd. 6 Sept., Read 8 Oct., 1698. [Board of Trade. Proprieties, 2. No. 24; and 25. pp. 228-233.]*

July 4.

634. Journal of Council of Trade and Plantations. Captain Edgecombe attending on Mr. Lucas's case said that Mr. Lucas had taken a passage with him but had been forbidden by Governor Codrington to sail. Lucas was a quarrelsome man. Captain Julius also attending explained that his reason for striking Lucas was his scandalous letter to Admiral Nevill against Governor Codrington.

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Mr. Basse's letter of April last to the Secretary read (No. 415). The Secretary was ordered to engage him in correspondence.

July 6.

Order for a letter to Governor Codrington directing him to release John Lucas, taking £500 bail from him. Mr. Walrond's letter of this day read (No. 639). Order for him to bring his new witnesses before the Board if he think it material.

Lord Bellomont's letters of 8, 18 and 25 May read. Order for copy of the Order in Council as to ports in the Jerseys to be sent to Mr. Sansom for the Commissioners of Customs.

Mr. Benjamin Harrison was desired to bring his information as to illegal trade in Virginia in writing.

July 8.

Mr. Walrond's second letter of 6th inst. (No. 640) was read. Letter to Governor Codrington concerning Mr. Lucas signed. Directions given for a representation respecting Tortola.

The Attorney and Solicitor-General's opinion as to Mr. Blair's capacity to sit in the Council of Virginia read (No. 638).

The Solicitor-General's opinion on Sir William Beeston's case was read (No. 635), and a representation ordered to be drawn thereupon.

July 9.

Representations as to Tortola and Sir William Beeston's case signed.

Draft instructions for the Governor of Virginia further considered. [*Board of Trade. Journal, 11. pp. 116-122.*]

July 5.

635. The Solicitor-General to Council of Trade and Plantations. I have examined the petition presented on behalf of Sir William Beeston (No. 611), and am of opinion that he has incurred the forfeiture mentioned in the statute by not taking the oath within the time therein laid down, though in truth the omission was through his ignorance. I think his neglect to take the oath within the time does not disenable him to be or continue Governor of Jamaica; and I think that the King may pardon the forfeiture incurred by that neglect, he not being prosecuted for the same. *Signed, Jo. Hawles. ½ p. Endorsed, Recd. Read 8 July, 1698. [Board of Trade. Jamaica, 8. No. 93; and 56. p. 208.]*

July 5.
Jamaica.

636. Governor Sir William Beeston to Council of Trade and Plantations. Since my last the business of settling Sir James Castillo, as the factor of the Portuguese African Company for the Assiento, has been concluded, and the merchants have sold that factor three hundred negroes to be delivered at Vera Cruz, the money to be returned on the merchants' risk. As there are still several French pirates roving about these seas, they applied to me for one of the King's ships to escort the negroes and bring back the money, which at first I was unwilling to do; but considering that it was upon the first settling of that trade, that the money would go to England, that the ships lay idle in port, and that the men would be more healthy at sea than in harbour, I allowed the Foresight to go with them. She sailed about ten days since, and I hope will be back in five weeks. I thought it also not amiss for the officers to be acquainted with those ports, where some time or other the King might have occasion for them. These reasons, with the encouragement of trade, will I hope justify my action. On

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reading our Acts for imposing twenty shillings a head on negroes exported, and the additional duty on wine, I find that both expire in November next. The revenue is too low for the common charges (apart from the many contingent charges) and there is a want of forts, which ought to be built in peace, so that I intend to call an Assembly and propose to it to continue their duties indefinitely, if I can prevail with them, or at any rate for as long a time as I can get from them. I reported in my last that Colonel Lloyd and Mr. Brodrick had sailed for England, with the design to do me all the mischief they could, to gratify their ambition and malice. I can discover no more of what they pretend to say against me except that I have taken money for preferring some people to escheats after the value secured to the King, which is a perquisite taken by all former Governors and never questioned nor disputed. Also when any patent office falls owing to the death of the patentee, then, until the King has granted another and it be arrived here, the half-profits of these offices during that time fall to the Governor and cannot in reason fall to anyone else, for there is no reason why the deputy should have the whole, since, when the patentee is dead, he is continued in office only by the Governor's favour. I know not what else I have done, so cannot tell what they will say, but must ask you to take nothing for granted until you have heard my answer, and to refer back the matter to the Council or any others here to certify the truth to you. Then I doubt not to shew that these complaints are only the effects of pride and malice in people who will be content with nothing unless they can manage all things as they please. Mr. Brodrick has endeavoured to get in deputy into all the offices, which would place them wholly at his devotion. This would be a great prejudice to the country and an inconvenience, for whoever is Secretary is of course Clerk of the Council and liable to be changed every day at their pleasure, and into the hands of strangers and ignorant men in that business. This is a great imposition on the Council, as well as on the revenue and Secretary's offices, the Chancery and others. I beg you to move the King that this be remedied. Mr. Brodrick said one evening he would go off, and went indeed on the next, by which he left the business of the Admiralty, of which he was judge, and all other business wherein he was concerned, in great confusion. He also got his cousin Brodrick into a deputation for the Secretary's office, and, influencing him, got him to accept £1,000 security for his ticket to depart; and now the people compute that he owes £4,000, at which the country is much concerned. I hope never to see him return Attorney-General again; and meanwhile, till the King's pleasure be further known I have put Mr. Thomas Barrow into that office, and Colonel Charles Knight and Mr. Thomas Clark into the Admiralty. I intend also to make Colonel Nicholas Lawes Chief Justice against next Grand Court. I have sent some depositions of Mr. Brodrick's management here in divers things and could send more, but will defer it until I hear what they have to say of me. The country continues in good health and is very quiet. I hope God Almighty will continue the one; I shall do my utmost to

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preserve the other. *Signed*, Wm. Beeston. *Holograph*. 1½ pp. *Endorsed*, Recd. 23 Sept. Read 20 Oct., 1698. [*Board of Trade*. Jamaica, 8. No. 94; and 56. pp. 225-229.]

July 6.

637. Minutes of Council of New York. On complaint of Jacob Leisler a sheriff's fee for giving possession of tenements was reduced from £25 to £15. The Council of Trade's letter of 21 March, 1698, concerning pirates read. Order for payment of a quarter's salary to the officers. Depositions against Ebenezer Willson were read, when it was resolved that he be suspended from his place of sheriff. [*Board of Trade*. New York, 72. pp. 124-125.]

July 6.

638. Opinion of the Law Officers upon the following case. Mr. Blair, the Bishop of London's Commissary in Virginia, has for some time past been appointed to the Council. In that Colony the members of the Council have always been the only Judges of the General Court, which is the Great Court of Justice there. A late Act of Parliament, for regulating the Plantation-trade, enacts "that all places of trust in the courts of law or what relates to the Treasury of the Plantations shall from the making of the said Act be in the hands of native-born subjects of England." *Query*, Is Mr. Blair, being a Scotchman, disabled by this law or otherwise from being of the Council and sitting in the General Court of Virginia? *Answer*, We are of opinion that he is not disabled by this law nor by any other, since being born in Scotland he is by construction of law a native-born subject of England. *Signed*, Tho. Trevor, Jo. Hawles. 1 p. *Endorsed*, Recd. Read 8 July, 1698. [*Board of Trade*. Virginia, 6. No. 52; and 37. pp. 230-231.]

July 6.
Islington.

639. Edward Walrond to William Popple. Captain Thomas Lilly, against whom Thomas Delavall, mariner, made a deposition, is in England. Captain Bugdon is also in England and (as he told me the other day) is ready to prove that a large quantity of the brandy in the flag of truce, which was seized by him and released by Governor Codrington, was put on board H.M.S. Colchester. ¼ p. *Endorsed*, Recd. Read 6 July, 1698. [*Board of Trade*. Leeward Islands, 5. No. 90.]

July 6.
Islington.

640. Edward Walrond to William Popple. Thomas Lilly is one of the pirates concerned with Captain Weatherhill in plundering the Spaniards, so it is not to be expected that he will answer a bare summons of the Council of Trade to bear witness against himself. My object in informing you that he was in England was that he might be arrested to prevent his escape. If the Council does not approve of this I can do no more. I will take care to summon Captain Bugdon in a day or two. ½ p. [*Board of Trade*. Leeward Islands, 5. No. 91.]

July 6.
Whitehall.

641. William Popple to John Sansom. Forwarding the Order in Council of 25 November, 1697 (No. 69) respecting ports in New Jersey, for the information of the Commissioners of Customs. [*Board of Trade*. Proprieties, 25. p. 212.]

1698.
July 6.
New York.

642. Governor the Earl of Bellomont to the Lords of the Admiralty. My last was by Captain Evans, whose behaviour in these parts, as I am informed, was not suitable to his trust. He loved to lie at anchor and to be very busy ashore managing elections for the humour of Colonel Fletcher, following trade, and leaving the King's service to his own convenience. Mr. Randolph tells me that the Government of Rhode Island have seized some pirates and claim by their charter to erect a Court of Admiralty, no doubt in order to try and acquit them. Their encouragement of pirates and connivance with breach of the Acts of Trade will make them tender prosecutors in a Court of their own erecting, but I do not know how to prevent it, for though I am intended to be Vice-Admiral of these seas I have no general commission, only a special one empowering me to commissionate certain officers of Admiralty named by you. Please remedy this by giving me a full commission of Vice-Admiralty, which other Governors, of much less quality than myself, have had here before me. Mr. Weaver will attend your orders in this matter, which should be despatched as soon as possible, for there is no part of the King's dominions where people are so bent and united to oppose all Government which shall interfere with their illegal trade and their piracy. There is a conspiracy among the merchants here who speak of sending home to procure my recall and Colonel Fletcher's restoration. I have seized two supposed pirates of Every's crew, but having no orders to send them home and no evidence to convict them here, I am obliged to admit them to bail. The Deptford is refitted and has sailing orders for Boston, but is delayed by contrary winds. *Signed*, Bellomont. I omitted to tell you of a precept issued from the Court of Admiralty here to take two pirates from the custody of the Governor of New Jersey; but he will not obey it, alleging that my commission of Vice-Admiral (which as yet I have not) was not published nor recorded in the Jerseys. But I sent him a commanding letter, which he obeyed, and sent the prisoners. *2½ pp. Endorsed*, Reed. 8th. Read 16th Sept., 1698. [*Board of Trade*. New York, 7. No. 81; and 52. pp. 436-438.]

July 6.
New York.

643. Deposition of William Teller, aged seventy-eight, as to the right of England to sovereignty over the Five Nations. I arrived in New York in 1639. It was then called New Netherlands, and the Governor was appointed by the States-General and West India Company of Holland. Shortly after my coming I was sent up to Fort Orange, where Albany now stands. Bastian Crole was then commandant at the fort, and I served with him first as corporal and later as watch-master of the fort. I lived at Albany from 1639 till 1692 with small intermissions of a few voyages. I have been present at most if not all of the meetings and treaties between the Governors of New York, or their Agents, and the Five Nations. The covenant-chain (as they call it) has been renewed almost annually since 1639, and in all that time there has been no breach with the Five Nations. When I first came here I never heard of a French settlement in Canada until 1645 or 1646, when some Iroquois told me thereof, and that the French had engaged themselves in the quarrel or war of the Iroquois against those Indians. Since then there has been almost continual war between the

1698.

Iroquois and the French with their Indians, and many French prisoners have been brought by them to Fort Orange and redeemed for money by the Dutch and English. About 1666 the French invaded the Maquas' Country and set up brass plates with the arms of France, but they were driven out by the Maquas, and would undoubtedly have been destroyed but for the intervention of the Dutch at Senectady. *Certified copy. 2½ pp. Endorsed, Recd. 29 Sept., 1698, from Mr. Weaver. [Board of Trade. New York, 7. No. 82; and 52. pp. 487-489.]*

July 6.

644. Nicholas Bayard to Governor the Earl of Bellomont. On the French claim to sovereignty over the Five Nations, I think it my duty to inform you as follows. In 1609 the first ship of the West India Company of Holland arrived in the Hudson River, and had some encouragement for trade with the Five Nations. In 1611 another ship arrived there and traded with the Indians. As the trade increased several ships were sent annually from Holland, which continued until 1621. In that year the said company obtained a grant from the States-General for planting a colony here, which was called New Netherlands. One of the first settlements was made on an island at the mouth of the river called Hutton (? Manhattan) Island and another further up the river on Beeren Island. Shortly afterwards they extended their possessions by settling garrisons and building fortifications, westward both sides of the Delaware and eastward as far as Connecticut river (then called Fresh river) where they had a stronghold called the House of the Hope. The said grant was afterwards confirmed by the States-General, and I suppose that the original still remains with Heer Cornelis van Ruyern, the late Secretary of that Government, now residing at Amsterdam. Ever since that settlement the Iroquois or Five Canton Indian Nations have always kept a good correspondence with the Government, first Dutch and afterwards English, and in spite of several wars between Christians and Indians there has never been a rupture with any of these Five Nations. On the contrary for more than sixty years they have almost annually sent down their chiefs, with a large retinue, to Albany to renew the peace and covenant-chain made at the first settlement of the province by Christians. I have myself been present at many of those treaties for forty years past, when the Five Nations have often declared their submission to this Government, and desired to be protected against the French of Canada, comparing this Government to a great tree, under whose branches they desire to shelter, with many like expressions. *Signed, N. Bayard. Copy. 3 pp. Endorsed, Recd. 29 Sept. from Mr. Weaver. [Board of Trade. New York, 7. No. 83; and 52. pp. 490-492.]*

July 6.

645. Minutes of Council of Virginia. Adjourned till to-morrow, but three members being present.

July 7.

But four members being present the questions of the Ports Act, revision of laws and despatch of an Agent to England were postponed till a fuller Council.

July 8.

Four members present. A day of fasting and humiliation appointed in consequence of the prevalent sickness. Samuel Griffin,

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deputy to Christopher Wormeley, Collector and Naval Officer lately deceased, was continued in that office. Order for registration of the ship *Hope*. Adjourned to 17 August. [*Board of Trade*. Virginia, 53. pp. 129-130.]

July 7.
New York.

646. Governor the Earl of Bellomont to William Popple. 27 June. The bearer, Mr. Weaver, is appointed Agent for New York, and carries with him evidences and vouchers of everything done here. Pray show him your favour and give him opportunities to be heard by your Board on all business relating to this province in general and to myself in particular. He is a gentleman of the law, and I dare commend him for an honest man and of good understanding. He will give you Colonel Romar's reports, which are of my transcribing. You must not be surprised at the badness of the French; it is his own and such as he speaks. Please lay my instructions to him and his two letters before the Council of Trade, for one of the Royal instructions is to give an account of fortified places. The merchants, upon my inspection into their trade, have raised such a clamour that I shall be impatient to receive the Board's orders. Nothing but the Minister's countenance to me will mortify them and bring them to a right temper. You will therefore do me a singular kindness by procuring orders for me as soon as possible after Mr. Weaver's arrival, for until I receive them I do not see how I am to stir hence to my other Governments. Signed, Bellomont.

Postscript. 7 July. Since I finished my letter I have received the circular of 21 March concerning pirates. I shall endeavour to pass the Jamaica Act as ordered. I send by Mr. Weaver the Act passed against pirates here. If it be not approved I shall try to get the other passed here, in Massachusetts and in New Hampshire, but the people here are so out of humour at present that I do not think it fit to call another Assembly for the present, nor to leave the province until new orders from England shall put a censure on the late Governor's administration, which is the source of all my difficulties and supports the insolence of his party. But if his administration meets in England with the discountenance and punishment which in my opinion it deserves, the people here will be tame as lambs and their ill-humour will vanish, and then I doubt not that the Assembly will be tractable in continuing the King's revenue, which is the thing that I most stickle for. Pray above all things urge to the Council two or three things, and first that I may have power to vacate Colonel Fletcher's grants, which are so extravagant that the province can never be peopled. There are half a dozen of his grants which were not much short of Yorkshire for extent, and the grantees have no merit. Henry Beeckman, a Lieutenant-colonel in the Militia, has a vast tract as large as a middling county in England, for which he gave Colonel Fletcher 100 dollars or about £25 English, and I am told that he values the land at £5,000. The Mohocks' land, fifty miles in length, is, I hear, valued by the grantees at £25,000. Colonel Smith's grant in Long Island cost him, I am told, but fifty dollars, and is worth more than any other grant of them all. And so it is with several other grants, of which I have sent a list by Mr. Weaver.

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He has granted away and sold all the Governor's conveniences here, viz., a farm called the King's farm he has given to the Church; but it is observable that his devotion did not carry him to do it until he heard that I was certainly to supersede him. Part of that farm, which is meadow-ground and a scarce thing here, he sold to Captain Evans of the Richmond frigate, as to whose misbehaviour here I have sent home several depositions. Part of the King's garden he has granted and sold to one Heathcote, a merchant, so that if I am to be robbed of a place where to keep a cow or a horse for the use of my family, I shall think that Colonel Fletcher has the best luck with his insolence and corruption that ever Governor had. I have given all possible discountenance to piracy, and that is one thing which raises their clamour against me. They say that I have ruined the town by hindering the privateers (for so they call the pirates) from bringing in £100,000 since my coming. Mr. Weaver, whom I have employed as King's Counsel, has inveighed smartly enough against their unlawful trade and mutinous disposition. They bear him such a grudge that his life is threatened, and therefore I beg that the Council of Trade will protect him in case any attempt may be made against his person and reputation. I know him too well to fear any defamation they can charge upon his reputation. $3\frac{1}{2}$ pp.

Here follows a short precis of the letter. $\frac{1}{2}$ p. The whole endorsed, Reed. 8th, Read 16th Sept., 1698. [Board of Trade. New York, 7. No. 84; and 52. pp. 431-436.]

July 7.
Bermuda.

647. Governor Goddard to the Duke of Shrewsbury. Your letter of 9 October last reached me on 16 May. I shall duly observe your orders as to pirates. I enclose the information of one Samson Pendley, who was at Providence when Every and his crew came in there. Two of them, Daniel Smith and William Griffin, belong to Bermuda. Smith has bought two shares of land in another's name, and Griffin one in the like manner, though I hear that he is since dead. The three shares cost £900 Bermuda money. I also enclose copy of an instrument of those who contributed in setting forth one Thomas Tew under the late Governor Richier's commission. I am told that Tew brought over £100,000 into New York and Rhode Island. You will observe the names of the contributors. Richard Gilbert, Thomas Hall and Henry Fifield's widow are living in Bermuda and, I am told, have received large sums of money, proportioned to their contribution. Walmsley is dead. John Dickinson, who married Fifield's widow, is in England. His friend is John Tucker, a clerk in Sir William Trumbull's office. That is all that I can tell you. So long as I am Governor, no pirates shall receive protection in Bermuda. I hear from England that Mr. Richier's brother has turned me out of the Government with villainous falsities, scandal and untruths, which the Council of Trade was pleased to believe. I can with confidence affirm that there are not two iller men in the world than Richier and Trott. Signed, J. Goddard. 1 p. Endorsed, Reed. Read 5 Aug., 1698. Enclosed,

647. 1. Copy of articles of agreement between Thomas Tew, Henry Fifield, Thomas Walmsley, Richard Gilbert and

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Thomas Hall, owners of the sloop Amity, and the crew of the said sloop. 8 January, 1692-3. 3 pp.

Extract from Minutes of Council of Bermuda. 4 July, 1698. The Duke of Shrewsbury's letter concerning pirates was read. The information of Samson Pendley was heard, to the effect that when at Providence in 1696 he had heard Daniel Smith, William Griffin and Benjamin Griffin declare that they had come thither in the ship Fancy with Every, and had heard other men there say that they were with Every when he took the Mogul's ship. 1 p. [*Board of Trade*. Bermuda, 3. Nos. 28, 281.; and (without enclosure) 29. pp. 125-126.]

July 8.
Virginia.

648. Governor Sir Edmund Andros to Council of Trade and Plantations. The business of the Post Act, of revival of laws and of settling an Agent, referred by the Council by reason of their fewness, still stands referred for the same reason, four Councillors only having attended. Colonel Christopher Wormeley is dead, and the rest excused themselves owing to their own illness and to the sickness in the country; but all, both absent and present, agreed that a day of fasting and humiliation to avert the sickness should be appointed, which has been done. Some ships which design to sail with the last crop of tobacco not being yet laden, the audit is referred to the 17th August. I continue still indisposed. *Signed*, E. Andros. 1 p. *Endorsed*, Recd. 5 Sept. Read 25th Oct., 1698. *Enclosed*,

648. 1. Proclamation for a day of fasting and humiliation to be held in Virginia on Friday, 15 July. *Dated*, 8 July, 1698. *Copy*. 1 p. [*Board of Trade*. Virginia, 6. Nos. 53, 531.; and (without enclosure) 37. pp. 303-304.]

July 8.
Whitehall.

649. Council of Trade and Plantations to Governor Codrington. Several complaints have been laid before us by Mr. John Lucas as to your detaining him from coming home by requiring of him £5,000 bail. A person of honour and quality here has interested himself on his behalf, and since there appears to be nothing against Mr. Lucas but a suspicion of his being the author of a letter reflecting upon yourself, we think it right to tell you, first that you should have sent us an account of the matter, and secondly that, as it is an affair of injury to yourself, you would have done better to have referred the matter for examination to England, since Lucas desired it. You will therefore do well to desist from the demand of £5,000 bail, and, upon his giving bond for £500 to answer all charges against him, to let him come to England. *Signed*, J. Bridgewater, Ph. Meadows, Wm. Blathwayt, Abr. Hill. *Here follows*, A list of the enclosures sent with the letter, being copies of those furnished by John Lucas and Edward Walrond. [*Board of Trade*. Leeward Islands, 45. pp. 240-245.]

July 8.

650. Minutes of Council of Jamaica. The Governor advising the Council that the Acts for export duty on negroes and import duty on wines would shortly expire, it was resolved to issue writs for an Assembly to meet on 27 September. Orders for

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sundry accounts to be paid or examined. John Favell made a deposition as to secret machinations of William Brodrick and Richard Lloyd against the Governor. Several other witnesses gave evidence that they had been canvassed by them. [*Board of Trade*. Jamaica, 79. pp. 103-107.]

July 9.

651. Minutes of Council of Maryland. Gerard Slye was brought up in custody, who setting his arms akimbo told the Governor he hoped he would be treated like a gentleman, and clapped himself down in a chair. He was remanded in custody. Samuel Cooksey, an associate of Slye, was also brought up and remanded. Several depositions against Slye were then taken, chiefly concerning his scandalous charges against the Governor. Slye was then again brought up and required to give further security to appear at next Provincial Court, pending which he was committed to custody until the 11th. [*Board of Trade*. Maryland, 13. pp. 537-542.]

July 9.
Whitehall.

652. Council of Trade and Plantations to the King. We have consulted the Attorney and Solicitor General on the petition of Mr. Gilbert Heathcote (No. 611), and have obtained the Solicitor General's opinion thereon (No. 635). We are satisfied that Sir William Beeston's omission proceeded from no unfaithfulness to your service, but rather from a scrupulous care in the discharge of his trust. We find too that he has served you with perfect care and diligence, frequently advancing his own money for the public service. We recommend that the forfeiture which he has incurred be remitted. Signed, J. Bridgewater, Tankerville, Ph. Meadows, Wm. Blathwayt. [*Board of Trade*. Jamaica, 56. pp. 209-210.]

July 9.
Whitehall.

653. Council of Trade and Plantations to the King. Notwithstanding the protest of the Elector of Brandenburg's envoy (No. 613 i.) we are well assured of the truth of all that we said in our representation, and in particular of your original right to the Caribbee Islands. We do not deny that during the confusion of the Civil War a few of the most inconsiderable islands were allowed to be settled by foreigners, and that Tortola was in possession of the Dutch until re-captured by Sir William Stapleton in 1672, not entrusted to him, as the envoy maintains. It was not demanded by Mons. van Citters until many years afterwards, nor was restitution of it asked for when application was made for the restoration of Saba. The African Company at Embden, who are under the Elector's protection, have quarrelled with the Danes, at whose island, St. Thomas, their ships used to repair to carry on irregular trade, and have agreed to buy of a merchant in Rotterdam his property in Tortola (which is little more than a rock) in order to sell European commodities and carry any West Indian produce free of duty, and thus defraud your Customs. If you think that the island should be restored to the Dutch, we have no objection to it, nor to its transfer to the Elector; but your Governors should be strictly ordered to defeat this formed design for illegal trade. [*Board of Trade*. Leeward Islands, 45. pp. 215-219.]

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654. Minutes of the Council of Maryland. Gerard Slye was brought up, and confessed that certain articles against the Governor

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were of his drawing up. The articles were then read to him, one by one, and he was required to prove them, and the Governor told him that he would summon any witnesses and order copies of any documents that he asked for to be given him. After a long examination he was remanded in custody till he should further recognize himself in £1,000 and two sureties to take his trial at next Provincial Court. Warrants for the arrest of John Coo de and Philip Clarke were signed, as also for bringing Robert Mason before the Council. A letter from Mr. Blathwayt read, that the King desired 100 mocking-birds for his volery at Loo, and any other birds and beasts that could be sent. Order for notice hereof to be given to all the poorer people, the Governor saying that he would see that they were paid. Orders as to arms and ammunition. Two Nanticoke Indians appeared and complained of four people who had each a plantation on their land. The Governor promised to see that the matter should be settled. The King of the Chop-tank Indians appeared with similar complaints of encroachment. The Governor promised to enquire into the matter, and warned them to have nothing to do with the Piscataways. Letters to the Indian Agents on the above matters signed.

July 12.

Gerard Slye, desiring to speak to the Governor, was brought in, when he said that the Governor was bound in honour to discharge him and produced certain documents, after which he was withdrawn. Order for the dismissal of the Sheriff of Prince George's County for pressing men and horses for his private advantage. [*Board of Trade*. Maryland, 13. pp. 543-557.]

July 11.

655. Daniel Parke to Council of Trade and Plantations. I have, as ordered, put in writing the substance of what I told you when I waited on you. Last fall I received a letter from my deputy-collector that Mr. Benjamin Harrison was gone away with a vessel from James River laden with tobacco, and that everyone supposed he was gone for Scotland, since he went without clearing. I went with this letter to the Commissioners of Customs, who told me that they had the same account from their officer, and that they had information of the advice of such a vessel in Scotland from their agent there. I suppose Mr. Harrison will not deny that he went with a vessel to Scotland, and that he sold the vessel and the major part of the tobacco himself. Lord Bridgewater acquainted me that Mr. Blair expected to be continued in the Council of Virginia, notwithstanding the late Act of Parliament. I will not presume to say that that Act was intended to exclude any Scotchmen from sitting in any Court of Judicature or being one of the Treasury in any of the Plantations; but this I do affirm, that if that was not the design of the Act, the Act had no design at all. I hope you will be of opinion that it is not for the King's interest, especially in Virginia, to have any Scotchmen of the Council (who are both a Court of Judicature and have the examining of all the public Acts, and may therefore properly be called the Treasury of the country) and especially Mr. Blair, who is both a Scotchman and also President of the College, to whom and the master (who are all of them Scotch) the penny *per lb.* duty is given. By these means, having the Governor very much his friend, what may he

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not do, especially if Mr. Harrison, his brother-in-law, be made Attorney-General? I will not say that Mr. Blair contrived or advised Mr. Harrison's voyage to Scotland, but I must confess it is admirable to me that Mr. Harrison, who is a native of Virginia and one that has followed the law there, whom I do not remember to have traded until the year when he went to Scotland, and who not only himself but all his family (Mr. Blair excepted) were utter strangers to Scotland, should so much as think of such a voyage. I need not acquaint you with the sweetness of that trade nor what a prodigious revenue the King may lose if it be not well looked into. I designed not to have given you this until Mr. Blair's return from Scotland, whither I suppose he is gone with no other design but to visit his country; but I understood that Mr. Harrison was to attend you to-day. *Signed, Dan. Parke. 2 pp. Endorsed, Recd. Read 11 July, 1698. [Board of Trade. Virginia, 6. No. 54; and 37. pp. 232-234.]*

July 11.

656. Memorial of Benjamin Harrison respecting the trade, and collection and management of revenue arising thereby, in Virginia. There is perhaps no place in the King's dominions where the methods of managing both the trade and the revenues are so exactly calculated to defraud the public, abuse the subject and prevent discovery thereof as the present constitutions demonstrate Virginia to be. Indeed, the course of affairs there has run so long in the same channel that it now looks like justice for it to continue, and that it is become almost criminal to argue against it. For, while ill men find their advantage by such constitutions and by the illegal and abusive practices which are the natural consequences thereof, those who would endeavour to make any reformation shall never fail to be branded as persons of turbulent spirits, stubborn and disloyal hearts, and treacherous and wicked inclinations; and not only so but shall meet with all imaginable opposition and perhaps be pursued with rage and violence by those who think themselves likely to lose by the alteration. The self same men, who have been naval officers to enter and clear ships and collectors to receive the public duties, have likewise hitherto been the Council of State to pass their own accounts and to advise the disposal of the money. The same men also constitute the Supreme Court of Judicature in all causes whatsoever, so that there is no relief against any judgment that they choose to give, so that the most prudential method for every man is to submit patiently and to make the best terms with them that he can. For they will always look so carefully to their own interest as to stand by each other in opposition to all persons, and if one of them chances to speak a little freely of the miscarriages of one of his brethren, though perhaps there may be truth enough in it, yet upon second thoughts they think it their common interest to agree among themselves and generally let such things sleep. Thus, about two years since, Colonel Parke of his own knowledge accused Colonel Hill in the presence of several people of frauds and abuses in collecting the penny *per lb.* duty on tobacco, but probably the thought of the fatal consequences of a prosecution to himself, among the rest, caused him to desist from giving any legal information, though at the time it was his duty as a magistrate and a councillor to do so.

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It is true (so far as regards the penny *per lb.*) the system seems to be a little altered by sending some new officers to Virginia; but that is only to some parts of the country, and the salaries paid to the officers equal if not exceed the revenue that they collect. Probably the intention of sending them was rather to change the persons than to alter the system, which seems the only way to do effectual good. All the public accounts (the penny *per lb.* excepted) are kept very secret from the sight of everybody but themselves, so that it must be an extraordinary accident if any abuses are discovered. It may possibly be alleged in answer to this that all the Collectors' accounts are stated by the Auditor and sworn to before the Governor; but whoever considers their management will find that they are not extraordinarily exact in their accounts nor in their oaths. An instance is given in the observations made by the Controller General at the Custom-house on the accounts of the Collectors of Maryland and Virginia, a copy of which was sent to Mr. Randolph by the Commissioners of Customs in a letter dated 12 June, 1694, as follows. "Ralph Wormeley, Collector of Rappahannock district, "ended his last account ended 20 April, 1691. He now sends one "account from 20 April, 1691, to 20 July, 1693, and another "from 23 August, 1692, to 20 July, 1693, both for the very same "individual sums. He further sends another account from "21 June, 1691, to 20 June, 1692, for 699 *lbs.* of tobacco collected "in the same time, which time is comprehended in the first account; "but the tobacco is not mentioned in either of the aforesaid "accounts, and yet all three are attested by the Controller and "Surveyor-General and sworn before the Governor." Probably this might be the reason why the Commissioners of Customs displaced Mr. Wormeley and put in another collector for the penny *per lb.*, which is inconsiderable in that district; but he still remains Secretary (the greatest trust requiring the greatest abilities in the Government), and he is also naval officer and collector of the other public dues, which shews that the Governor does not discourage him even now. And having found out the advantage of keeping these transactions as private as possible in the past, they evidently intend to keep it in their own hands as long as possible, which may plainly be deduced from the means that they have used to make any other methods ineffectual. A man-of-war has generally been kept there for suppression of illegal trade, but its journals will shew how much time it has spent at anchor in one particular place; and this has rendered them of little use and sometimes prejudicial.

In 1694 the merchants complained that their trade was in a great measure ruined by ships trading direct from Scotland and Ireland to Virginia and Maryland without paying any duty. On this the Treasury by their letter of 15 November, 1694, ordered Sir Edmund Andros to hire a small vessel or two to cruise on the coast for prevention of such trade; and, to pay the cost thereof, he was empowered to dispose of a third of the forfeitures under the Acts of Trade and the penalties recovered on forfeited bonds within his government. Accordingly a small vessel was hired at a very great rate and placed in command of one Beverley, and that it might be as burdensome as possible and therefore soon laid aside, the whole

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charge was defrayed not from the funds assigned by the Treasury but out of the standing revenue of the country, not otherwise appropriated, by which and similar projects the revenue is not only exhausted but greatly charged with debt. During Beverley's tenure of this office he seized two ships. One, belonging to London, had no cocquets for certain goods on board; and Beverley, suspecting fraud, carried her into the Rappahannock where he had formerly traded. The master went ashore and represented to Collector Ralph Wormeley the hardship of his case, whereupon Wormeley used his interests to get her released without trial. The other ship seized was an Irish ship with servants, which had several bread-casks full of goods without any cocquets for them. Being taken near the mouth of the Rappahannock she too was carried in there, where the master by the like means obtained Mr. Wormeley's interest on his behalf. Beverley, however, insisted on a trial, saying that one of his seizures had been released but that he would not quit this one so easily; and so he continued resolute until the ill language and menaces of his adversary led him to think of his power, whereupon he loosed his hold, and that ship also was released without trial. Wormeley's interest in espousing the master's cause can best be discovered by examination. The people grew so suspicious over these two cases as to say openly that the ships had been let go for bribes, until at length the Governor and Council thought themselves obliged to make at least a shew of enquiry into the matter. Beverley was therefore summoned to Council, but he was obliged to declare himself with great tenderness lest he should make too clear to them where the fault lay, for he knew they had no mind to take notice of it. So that matter ended, and shortly after the vessel and master were both discharged. Beverley having been laid by, one Broadbent was sent out on the same duty, a man whose character was a sufficient scandal to his employment. He had been one of Sir Edmund Andros's tax-gatherers in New England, where he had been made prisoner for his honest (or dishonest) behaviour. He seized a small vessel, which was released on trial owing to a failure in the legal proceedings. It was generally believed that this vessel was of New York and a legal trader, but that the indiscretion of the master (in not filling Broadbent some bottles of rum, as he desired) was the occasion of his being troubled. In June, 1697, Broadbent seized another ship which really was an illegal trader, but upon the trial he was detected in base practices of tampering with the evidence (to do what he might have done fairly, if he had understood his business) and the jury thereupon acquitted that ship. These and similar matters, which though probably true are not easily proved, together with the exorbitant fees charged by the officers, have brought Virginian trade to such a pass that it can hardly be carried on without loss. Hence all men are obliged to fall into the same road, and if the inhabitants have been guilty of such practices (as has been insinuated) perhaps the mismanagement and abuses of the government and the officers have driven them to it, that they might make it manifest that, so long as the evil was tolerable, duty and loyalty had kept them from doing these things which they saw the officers encouraging. But these things are all

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past and not perhaps to be remedied; though what is to come may in a great measure be prevented by other methods and better management, the ordering and directing whereof is humbly submitted to those whose station calls them thereto. 10 pp. *Endorsed*, Reed. Read 11 July, 1698. [*Board of Trade*. Virginia, 6. No. 55; and 37. pp. 235-246.]

July 11.

657. Petition of Benjamin Fletcher to Council of Trade and Plantations. Having been recalled I beg to present myself to give an account of the province of New York and of my administration during the past six years. At my departure Lord Bellomont thought fit to demand of me £10,000 security to answer what he should object against me. Since thirteen principal persons of the province willingly joined me in bonds of security for that sum, as well knowing my integrity, the doubt of which seems to have been implied by bonds of such importance, I beg that my sureties may be discharged, and that you will proceed to deal with me as you think best. *Signed*, Ben. Fletcher. 1 p. *Endorsed*, Reed. Read 11 July, 1698. [*Board of Trade*. New York, 7. No. 85; and 52. pp. 372-373.]

[July 11.]

658. Draft deposition presented by Captain Edmund Bugdon. On 24 September, 1697, when on board H.M.S. Jersey in St. John's harbour, Antigua, I saw a sloop, which I perceived to be a flag of truce, coming in. I sent my lieutenant aboard her, who reported her to be laden, and by my order brought the master and one Hartman, one of the prisoners on the flag of truce, on board the Jersey. On examining the master (Hartman acting as interpreter), I learned from him that the goods were to be delivered at Guadeloupe, but owing to variable winds had been obliged to put into Antigua, though he had nothing on board for that island except a hogshead of claret which was a present to Governor Codrington. After ascertaining that he had ten pipes of Madeira and twenty-one barrels of brandy besides other goods on board, I sent him and Hartman back to their ship and went ashore, when I met one Barry Tankard among other gentlemen. "Well, gentlemen," I said, "here's brandy and wine enough for you now." Tankard answered that they wished I was out of the way, and then they might get some. Going aboard the Jersey again I sent my surgeon, a Frenchman, on board the flag of truce to examine the men. He learned from one of them that the brandy had been taken in on the previous night from a brigantine lying off Guadeloupe and had been brought thence to Antigua direct, but that he could not say what was to be done with it. I reported this to the Governor and sent men on board the flag of truce to secure her. The annexed deposition shows what passed between me and the Governor from the time when the vessel was secured, until she was dismissed by the Governor's orders. The Governor promised me on his honour that none of the goods on her should be landed at Antigua. Shortly afterwards I learned from the carpenter of the Colchester that a good quantity was transferred from the flag of truce to her. The Colchester sailed that night. A letter annexed shows what was in her at Montserrat, so I judge that the rest was put on board the Colchester. When I was aboard the

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Colchester as Captain Weighman's lieutenant, she was sent by the Governor to convoy the Barbuda to St. Thomas's to fetch negroes, some of which negroes were carried in the Colchester to St. Christophers. Before the transportation of these negroes the crew of the Colchester was healthy, but soon after fell ill of flux and malignant fever, being infected by the negroes, and the captain, doctor, and several of the best mariners died suddenly. I have represented these abuses of Governor Codrington in my letters to the Admiralty. Captain Weighman seized a sloop belonging to Captain O'Bryan bound with sugar to St. Thomas, and sent her to Nevis. The Governor took the ship from him and cleared her without any legal process. After I took command of the Jersey the Governor told me that Captain Weighman did very ill to meddle with this sloop, that he had turned him out of his house and had a mind to kick him. Again the ship *Le Hardi*, an English vessel retaken by Captain Weighman, was condemned for a moiety only, so that the King was brought £120 in debt for her. The Governor afterwards gave the ship's company what he pleased without furnishing any account to me. I had been appointed to be at her condemnation, Captain Weighman not daring to go ashore himself and claim the rights of himself and his ship's company, for fear of the Governor's ill usage. Further, Captain Thomas Fisher, late of the Jersey, was much discouraged by the Governor for seizing a flag of truce which came from Martinique with French goods. Further, being ordered to bring ashore three witnesses against Robert Arthur from the Jersey, I heard Henry Walrond tell the Governor that Arthur had declared that the Governor dared not prosecute him, whereupon the Governor only said that the fellow was mad. Colonel Rowland Williams urged the Governor to send for Arthur and clear himself, but he took no notice. Further, Captain Hartman said that the Barbuda sloop had gained the Governor as much money as she could well carry, by taking sugar to Curaçoa and bringing back Dutch goods. 3 pp. *Endorsed*, Presented by Captain Bugdon. Recd. Read 11 July, 1698. *Annexed*,

658. 1. Copy of a pass given by the Governor of Martinique to John Oliver to carry prisoners from Martinique to Antigua, touching at Guadeloupe on the way. 27 September, 1697.

Letter from Governor Codrington to Captain Bugdon. 28 September, 1697. Blaming him for putting men on board the flag of truce and for hauling down her colours, as contrary to the law of nations, and directing him to withdraw the men and rehoist the colours.

Captain Bugdon to Governor Codrington. 28 September, 1697. The flag of truce has on board wine and brandy which they say they meant to deliver at Guadeloupe but were prevented by weather. I can prove this to be false and can only treat her as a French trader, which is a thing contrary to law. I have rehoisted her colours, but cannot withdraw my men.

Written order of Governor Codrington to Captain Bugdon. 2 October, 1697. Commanding him to release

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the sloop, restore all the goods to the master, give the master satisfaction, and shew his reasons for a direct disobedience of orders.

Captain Bugdon to Governor Codrington. 2 October, 1698. I waited on you yesterday, expecting that you would have taken other measures to get the pretended flag of truce from me than by Captain Julius coming to assault my people after the watch was set, which I assume was by your permission. I expected your order for redelivery of her, the master's receipt in full, and the attestation of two or three gentlemen that full restoration has been made, otherwise I cannot feel safe as to the damage that may be laid to my charge.

Receipt of John Ollivier for his sloop and cargo complete and undamaged, with the exception of two pieces of striped linen. 2 October, 1697.

Letter to Captain Bugdon. 10 October, 1698. On the 7th inst. the flag of truce seized by you came into Montserrat, and offered the rest of his wine and brandy for sale. It was not sold, for he asked too high prices, £15 a pipe for his Madeira, and ten guineas a barrel for the brandy. The Governor of Montserrat sent an express to order him to leave that night, when he said that he feared he must heave the liquor overboard, not daring to take it back to Martinique lest he should be betrayed. I beg your privacy herein, for you know how people are dealt with who so much as mention anything relating to their private commerce. *Copies. The whole, 3½ pp. [Board of Trade. Leeward Islands, 5. Nos. 92, 92 i.]*

July 11.

659. Archibald Hutcheson to Council of Trade and Plantations. In Edward Walrond's late memorial against Governor Codrington, the first charge is that he disobeyed your orders to discourage the settlement of the French part of St. Christophers. It will be remembered that the Agents for the Leeward Islands petitioned for the suspension of such settlement, and that the petition was referred to Governor Codrington in a letter of 24 November, 1690. On his return from the expedition to Guadeloupe he laid the matter before the General Assembly of the Leeward Islands, which agreed with the Agents that to settle the French part of St. Christophers would be to weaken the whole of the island. He thought differently, and reported his own opinions and those of the General Assembly in a letter of 12 September, 1691, to the Duke of Leeds. His reasons were so far approved of that no further directions were sent him on the matter until the letter to which Mr. Walrond alludes, and which, as I conceive, might proceed from the prospect of the peace that has since been concluded. During my three years' stay in the Leeward Islands Governor Codrington was most punctual in obeying your orders, and since Mr. Walrond speaks only by hearsay of the letter aforesaid, I conceive that his affirmation can be of little value. The story of Governor Codrington's anger with Major Crispe for breaking open his packets and divulging the contents, proves nothing.

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He might very reasonably show such anger, and yet it does not follow that he did not punctually obey the orders in those letters.

The second charge is that Governor Codrington has drawn off inhabitants from the Northern Colonies and Barbados by granting them lands in the French part of St. Christophers, that he has given warrants for the same plantation to several persons, and that those persons, being deceived in their grants, have spent their time and substance fruitlessly in the improvement of a place now restored to the French. It is very true that he drew inhabitants from other Colonies to St. Christophers. He gave his reasons for doing so in his letter to the Duke of Leeds, nor has he ever since received any prohibition on this point. The second part of the charge is in general terms, without a single instance adduced in proof. It is true that when warrants have been granted to persons who have afterwards relinquished their settlements, fresh warrants for those lands have been granted to others; but this harms nobody. If any such injury had been done as is insinuated, you would undoubtedly have heard of it. The last part of the charge is of a piece with the rest. Governor Codrington never pretended to assure the people that the French part of St. Christophers would not be restored. The warrants in question convey no legal title; but rather a promise of a title in case the settlement were continued. Nor have the settlers been necessarily losers; they have had the produce of the enemy's land in return for their labour; and, as to improvements, there were none on the island except those made by the French and by Governor Codrington, who has expended thrice as much as the rest of the people put together, and makes no complaint. As to the third charge, that Governor Codrington granted Mons. Salinave's estate to Governor Russell, that is very true; but Governor Russell knew perfectly well to whom the estate had belonged and never at any time thought himself abused in the matter. As to Mons. Salinave's meriting well of the English, I never heard of it, though I remember him as a civil obliging person; but as he was dead before Mr. Walrond came to the Leeward Islands, Mr. Walrond can only know him from the reports of others. As to the allegation that the land was granted contrary to the King's order, I know that Madame Salinave sent a petition to the King which was referred to Governor Codrington, who, I presume, made his report, but I never heard of any order issued thereupon.

The fourth charge is that Governor Codrington sent H.M.S. Colchester to carry John Perrie to St. Thomas, and that Perrie embarked some negroes on her, who infected the ship. This does not concern Governor Codrington, for it is not pretended that he ordered the negroes to be embarked. The present Captain of the Colchester told me that the men-of-war were often ordered to cruise off St. Thomas, because the French frequently carried thither the prizes taken from us. He added that Perrie took a sloop with him for the transport of the slaves, but that some of them were taken on board the Colchester. The fifth charge concerns a piracy said to have been committed by one Weatherhill, and conversations between various people. I cannot see how this concerns Governor Codrington; but I may mention that Captain Julius has been confirmed by the

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Admiralty and continued ever since in the King's service, and that Captain Perrie is esteemed a man of very good sense and understanding in business. Captain Julius denies the story of his upbraiding Mr. Yeamans for advising Governor Codrington to hang him. The sixth charge is for carrying on illegal commerce at Curaçoa, St. Thomas and elsewhere. This is a serious and material accusation, but it rests on nothing but Mr. Walrond's affirmation. The deposition given before Colonel Holt in the Newcastle I shall deal with elsewhere; but the charge is not one under which Governor Codrington is likely to sit down quietly. The remainder of the memorial contains severe reflections on the Council and Assembly of Antigua, and sets forth the integrity of Mr. Walrond's motives in putting it forward. I need not remark hereon, except to introduce the enclosed deposition, which proves that Mr. Walrond is under some private resentment against Governor Codrington.

Mr. Walrond's next paper deals with the difficulties which he encountered at Barbados in procuring depositions against Governor Codrington and in getting them authenticated, with a hint of Governor Codrington's inhumanity to the crew of a Spanish ship, and some matter supplementing John Clark's deposition respecting Samuel Martyn and John Roe. As to the behaviour of the Council of Barbados, I can only see that all was not granted to Mr. Walrond that he thought fit to ask; but I would submit that the whole of its proceedings seem to me extremely irregular. The depositions of the witnesses produced by Mr. Walrond might have been taken by any magistrate; but the case is different when the Council orders them to appear, upon a bare suggestion of one person, against another person who is not heard, and enters the depositions among the records of the island. The wrong is aggravated also by the fact that the accused is not under their jurisdiction. I pass next to Walrond's supplement to John Clark's deposition, which deposition in no way concerns Governor Codrington and is not much mended by Walrond's remarks. He insinuates that Captain Fisher, having seized a flag of truce with French goods on board, was sent out of the way to Barbados that he might do no more mischief; but at the same time he mentions that the ship was sent down to Barbados to bring money to pay Holt's regiment, and this is confirmed by a letter from Governor Codrington to me. Next he complains that Martyn and Roe were never prosecuted, but he admits that the sloop and goods were condemned, and whether they were concerned in the goods does not appear by the condemnation. To make this a matter of accusation against Governor Codrington, Mr. Walrond should have shewn that there was sufficient evidence against them to subject them to prosecution. I pass next to Mr. Walrond's criticisms on the address of the Assembly of Antigua. *Proceeds to deal with them at great length in an ironical style. Signed, Arch. Hutcheson. 16 closely written pages. [Board of Trade. Leeward Islands, 5. No. 93.]*

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660. Archibald Hutcheson to Council of Trade and Plantations. The first deposition brought forward by Mr. Walrond against Governor Codrington is that of John Clark. He is, however,

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obliged to supplement it by a small narrative of his own, because the deposition itself has nothing to do with Governor Codrington. The substance of the information is that Clark, when a prisoner at Martinique, agreed with one Pinel for a prize ship called the Fortune of Dublin, that Major Martyn and Captain Roe arriving from Antigua struck in with him for partnership in the vessel, that Martyn, in altering the bargain, insisted that a quarter-share in her was for Governor Codrington, whose money he held in his hands, but that subsequently he declared that the said quarter-share was for others. Then follows a long account of his wrangles over the bargain, one of which came before the Governor, who shewed great displeasure towards him. But wherein do these matters concern Governor Codrington? It is evident that Martyn used his name very wrongly to deceive Clark, but he did not leave him long deceived, as the deposition itself shews. But a deposition of John Keir, which has been taken in England, proves that Governor Codrington had no concern in the vessel and that Clark's troubles were due to his own crooked dealing. Next comes Mr. Henry Walrond's deposition as to the seizure by Captain Bugdon of a flag of truce which came from Martinique and Antigua with French goods on board, and of his discharge by Governor Codrington's order. I can see herein but two points in which the Governor may have been in fault, namely in not seeing that his first order was immediately and effectually obeyed, and in not suspending Captain Bugdon and sending him home a prisoner. Captain Bugdon has preferred several complaints against Governor Codrington to the Admiralty, and I imagine that if the Admiralty had thought him ill-used, they would have referred the matter to you. On the other hand I hear also that Governor Codrington has made complaints against Captain Bugdon, which that officer has not satisfactorily answered. The discharge of the flag of truce is obviously justified by the law of nations, and though the goods on board her laid her open to suspicion, yet there was nothing acted contrary to our laws or the rules of their safe-conduct to justify her trial and condemnation. As to the assertion of Hartman, that the goods were brought down for Governor Codrington's use, is Governor Codrington answerable for that? Hartman seems to have apprehended trouble for himself and might very well have used the Governor's name in the hope that it might be of service to him.

Next comes the evidence of Don Alonzo Bonne Maison, from which Mr. Walrond presumably wishes it to be inferred that Governor Codrington sent Captain Perrie down to rob the distressed Spaniards, and that he sent them to sea in a leaky ship in the hope that she would founder. But there is nothing to show that Nicholson acted under Governor Codrington's orders, even if the story against him be true, which I do not believe; and as to the story of the leaky ship, the description of the leak as a span square shows that it is ridiculous, for a first rate man-of-war would not float for half an hour with such a hole in her. As to the inhumanity shown to the Spaniards in St. Christophers, Captain Julius tells me that on the contrary they were very well treated, and gives a very different account of the whole story, which he is ready to repeat to you on oath. Meanwhile I would remark that this

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wreck of the Spanish vessel took place three years ago, and that no complaint has yet been made by the Spanish Ministers. The next deposition is that of Gabriel McCrackan, as to Governor Codrington's illegal trading with the Dutch in 1691, and defrauding his crews of their wages. On this I shall remark first that in 1691 a similar charge of illegal trading was preferred against Governor Codrington by Sir Timothy Thornhill and others, and their accusations sent home to the Committee of Trade and Plantations. Every facility was offered to them by Governor Codrington to prosecute their charges, but they would not press them, knowing them to be unfounded. Governor Codrington then ordered a trial of the sloop Barbuda, wherein it was shown that the master and others had been guilty of illegal trading, but that Governor Codrington was wholly unconcerned therein. He suffered the sloop to be condemned on the evidence of the master, who could not by law have been compelled to swear, for the sake of the example. The whole of Governor Codrington's defence is in the hands of the Commissioners of Customs and can be produced. In the face of these facts I think that I need notice McCrackan's deposition no further. Finally there is the deposition of William Delavall, which, if true, reveals a most barbarous fact, but nothing that concerns Governor Codrington. *Signed, Arch. Hutcheson. A very long and minute statement covering nineteen closely written pages. Endorsed, Recd. 12 July, 1698. Enclosed,*

660. i. Deposition of Francis Roger. That in November or December, 1697, he heard Walrond say that the difference between Governor Codrington and himself was irreconcilable, and that the Governor had not done him justice. Sworn 28 Feb., 1697-8. $\frac{1}{2}$ p.

660. ii. Deposition of John Keir, mariner. I was taken prisoner by the French at the same time with John Clark. Clark agreed for the purchase of a prize-vessel at Martinique, but Major Martyn and Captain Roe, arriving in a flag of truce, agreed with him to pay the purchase money, they taking three-fourths of her, and he one-fourth. He refused, however, to pay his share in fitting her out, and then arose a dispute which ended in Clark's relinquishing his share in return for a gratuity, for which Clark expressed great gratitude, begging their pardons for the trouble he had given them. I believe him to be a great knave, for after the vessel had been purchased and I had been appointed master, Clark suggested to me to run away with her for our own joint profit. I brought the sloop from Antigua to London and have her bill of sale, and can assert that Governor Codrington was never in any way concerned in her. Sworn, 6 July, 1698. 1 p. [*Board of Trade. Leeward Islands 5. Nos. 94, 94 i., ii.*]

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661. Journal of Council of Trade and Plantations. Captain Bugdon attended and gave in a draft deposition (No. 658). Mr. Walrond also showed a letter to him from Mr. Edward Byam, and asked for a copy of the Board's letter to Governor Codrington concerning Mr. Lucas, which was given to him.

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Colonel Fletcher, lately arrived from New York, presented a petition to be discharged from his bonds (*No.* 657), offering further to put in new sureties for the same sum, to answer the condition of those bonds. Representation preferred accordingly.

Colonel Parke presented a memorial (*No.* 655). Ordered that a letter thereon be written to Mr. Sansom, since Colonel Parke refers to the Custom House for proof. Benjamin Harrison also presented a memorial which was read (*No.* 656). Instructions to the Governor of Virginia further considered.

July 12. Order for Mr. Dampier to attend, upon the anonymous letter from Edinburgh of 30th ult. (*No.* 620).

Representation on Colonel Fletcher's petition signed.

Mr. Hill brought up a letter from Robert Snead to Sir John Houlblon respecting the protection of pirates in Pennsylvania.

July 13. Mr. Dampier attending said that he knew nothing of proposals made to Mr. Wafer, nor thought him capable of doing the Scotch East India Company any great service.

Several papers from Mr. Walrond and a further answer by Mr. Hutcheson were received.

July 14. Mr. Secretary Vernon's letter of yesterday as to the expedition against pirates in the East Indies read (*No.* 668). The Secretary was directed to confer with Mr. Ellis thereupon.

Mr. Walrond's letter of yesterday read (*No.* 671). The Board directed the Secretary to inform him that they have no power to order the apprehension of any man, and that he had better apply to the Lord Chief Justice.

Draft instructions from the Governor of Virginia further considered.

July 15. The Secretary informed the Board that Captain Warren was appointed to command the squadron against pirates.

Mr. Robert Richardson asked and obtained a copy of the Board's letters of 7 December last, concerning James Colleton. [*Board of Trade. Journal, 11. pp. 122-131.*]

July 12. **662.** Minutes of Council of Montserrat. Six men and women being guilty of a riot in rescuing cattle from the Deputy Provost Marshal were bound over to good behaviour till next Sessions. [*Board of Trade. Leeward Islands, 64. p. 535.*]

July 12. **663.** Journal of Assembly of Barbados. The House met pursuant to an adjournment on 5 July, when there was no quorum. Thomas Maxwell chosen Speaker. Several members fined for absence. Ordered that no papers shall pass from the Committee of Correspondence to the Agents without the concurrence of the House, signified by their attestation of the said papers. Order for the Agents to be instructed to send in their accounts and to pay the balance that remains in their hands to the newly-appointed Agents. [*Board of Trade. Barbados, 65. pp. 297-299.*]

July 12. **664.** President and Council of Barbados to Council of Trade and Plantations. Since ours of 2nd March we have received yours of 21 March, with the King's orders for the strict execution or amendment of our laws for bringing in white servants. Some time since a law was enacted here offering very great encouragements

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both to white servants and to importers thereof, to the former by enlarging their allowances and rewards, and to the latter by offering them £18 a head for every imported servant. We enclose a copy of this law. We have it also under consideration to enact a law to encourage the continuance of our servants with us after they are out of their time, which indeed is our greatest difficulty, for, there being no land here to be taken up, they move to the Northern Colonies as soon as they are free, and there settle; by which means we are still made weak and exposed to great hazards in time of war. With reference to the Jamaica Act against pirates, of which you send us a copy, we enclose a copy of the Act passed here in Sir Richard Dutton's time, which seemed then to be effectual enough; but since the Jamaica Act seems larger and piracy has increased, we shall endeavour to pass an effectual Act against it. If any pirates had been detected here they should have felt the severity of our laws, whatever their treatment in other Colonies. It was a great grief and misfortune to us that Captain Edwards returned without performing the services for which he was sent hither. The chief reason was that, owing to our impoverishment by the war, we could not possibly raise the sums which he proposed as necessary to build a citadel or other great and secure fortification. If the King would grant us the $4\frac{1}{2}$ per cent. duty for the purposes for which it was first raised, it would enable us to fortify the island beyond the danger of an attack, and truly it is an island of that concern to the Crown that it deserves to be secured and encouraged. We enclose the journals of the Council for the past six months, also a catalogue of the ships and loadings that have arrived, which you will see were many and of great value, while all of them have been returned laden with the produce made by the industry and labour of the inhabitants, who had all been ruined if the late designs to impose further duties on us had taken effect. *Signed*, Fran. Bond, John Farmer, Geo. Lillington, Geo. Andrews, Wm. Sharpe, Tobias Frere, David Ramsay. $1\frac{1}{2}$ pp. *Endorsed*, Recd. 9 Sept., Read 25 Oct., 1698. *Inscribed with a short abstract. Enclosed*,

664. i. Copy of the Barbados Act against pirates and piracy, passed in December, 1684. 2 pp. *Endorsed*, Recd. 9 Sept., 1698.

664. ii. Copy of the Barbados Act to encourage the bringing of Christian servants, passed 20 June, 1696. $2\frac{1}{2}$ large pages. *Endorsed as No. i.* [*Board of Trade*. Barbados, 7. Nos. 68, 68 i., ii.; and (without enclosures) 44. pp. 218-221.]

July 12.
Boston.

665. Secretary of Massachusetts to William Popple. Forwarding the Acts passed by the General Assembly in the Session begun 25 May last. *Signed*, Isa. Addington. Copy. $\frac{1}{4}$ p. *Endorsed*, Recd. 5 Sept., Read 25 Oct., 1698. [*Board of Trade*. New England, 9. No. 32; and 37. p. 26.]

July 12.

666. William Popple to John Sansom. Asking what information the Commissioners of Customs may be possessed of respecting the illegal trading of Benjamin Harrison between Virginia and Scotland, alleged by Daniel Parke. [*Board of Trade*. Virginia, 37. p. 247.]

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July 12.
Whitehall.

667. Council of Trade and Plantations to the King. We lay before you a petition received from Colonel Benjamin Fletcher (No. 657). He has offered voluntarily to give other security in £10,000 here if the thirteen gentlemen in New York be discharged from their bonds, and we think that if he give such security there is no reason why the gentlemen aforesaid should not be permitted by you to be discharged. *Signed*, J. Bridgewater, Tankerville, Ph. Meadows, Abr. Hill. [*Board of Trade*. New York, 52. pp. 273-274.]

July 13.
Whitehall.

668. Mr. Secretary Vernon to Council of Trade and Plantations. Desiring the Council of Trade to prepare instructions for the Commander-in-chief of the squadron now fitting out for the East Indies to suppress pirates. *Signed*, Ja. Vernon. $\frac{1}{4}$ p. *Endorsed*, Reed. 13th, Read 14th July, 1698. [*Board of Trade*. Plantations General, 4. No. 119; and 34. p. 307.]

July 13.

669. Archibald Hutcheson to Council of Trade and Plantations. There remains still one charge of Henry Walrond against Governor Codrington to be dealt with, namely that of sending Barry Tankard to sell provisions to the French at Martinique under colour of a flag of truce. In reply to this Mr. Tankard has produced a certificate from Governor Codrington, the sailing orders given to Captain Julius and other documents, to shew that he really intended for Barbados and called at Martinique only to fetch prisoners to man H.M.S. Colchester. I know not how he can give more convincing proof of his integrity; and though as a rule provisions are cheaper in Barbados than in the Leeward Islands, yet just at that time they were dearer, as can be proved. The Governor's concurrence in the enquiry instituted by the Council and Assembly of Antigua into Tankard's conduct, proves only that he did not know what his cargo was, not that he was ignorant of his intentions for Barbados. You will find too that Tankard's vessel was libelled not only for the design of trading with the French but for not entering some loose sugar with the Customs. But even if Tankard did design illegal trade with the French there is nothing to shew that Governor Codrington was privy to it. Mr. Walrond contends that he sent to Barbados only such documents as were in Tankard's favour, and not the depositions taken against him by the Assembly of Antigua; but there was nothing in those depositions but which was already self-evident, namely that Tankard embarked provisions at Antigua. Nor does it follow on Mr. Walrond's bare statement that these depositions were not sent to Barbados, for his facts are not always correct. He gives the date of the Assembly's first proceedings in this matter as 26 October, whereas by his own shewing Tankard did not sail from Antigua until the 6th of November. *Signed*, Arch. Hutcheson. $10\frac{1}{2}$ pp. *Endorsed*, Reed. 13 July, 1698. [*Board of Trade*. Leeward Islands, 5. No. 95.]

July 13.

670. A collection of papers sent to the Council of Trade and Plantations by Edward Walrond.

670. 1. Colonel Henry Holt to Governor Codrington. H.M.S. Jersey, 20 Feb., 1697-8. Hearing on board this ship of

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certain scandalous words used by Captain Arthur against the King, I have sent up depositions to you by Captain Julius. *Signed*, H. Holt. $\frac{1}{2}$ p.

670. II. Deposition of Thomas Duncombe. 11 March, 1697-8. That Captain Arthur being charged with seditious language was anxious to be tried, and begged deponent to obtain Governor Codrington's orders for the witnesses against him to be brought ashore. Deponent spoke to the Governor accordingly, but the order though promised was not given. *Copy*. $\frac{1}{2}$ p.
670. III. John Yeamans to Edward Walrond. 10 March, 1697-8. I hear that the whole blame for Arthur's affair is to be thrown upon the Court and in particular upon me, though you know how industrious I was to enquire after evidence for the King against him. The Court might have adjourned for ten days longer, but the Commission only provided for adjournment in case of accident, not to wait for evidence without motion made. *Copy*. 1 p.
670. IV. Copy of the Commission for holding Grand Sessions at Antigua for trial of Captain Arthur. 8 May, 1697. *Large sheet*.
670. V. Deposition of William White. 17 February, 1691-2. As to the sale of the King's powder by Robert Arthur, when commander of H.M.S. Mary, for his own profit. $\frac{1}{2}$ p.
670. VI. Edward Byam to Edward Walrond. 14 May, 1698. I enclose an account of the proceedings upon your recognizance. I applied for an appeal to the King in Council some time before this, but it was refused, and on the meeting of the Court of Exchequer issue of execution was ordered. *Copy*. $\frac{1}{2}$ p.
670. VII. Copy of Governor Codrington's Commission for holding a Court of Exchequer. 5 May, 1698. 1 p. *Endorsed in Edward Walrond's hand*, The persons hereby authorised are all three Irishmen; one was formerly a servant; another a broken pedlar who ran away for debt, and the third formerly Sir William Stapleton's footman—rare fellows, adapted to the Governor's genius.
670. VIII. Record of the Court of Exchequer, held at Antigua, 7 May, 1698, with order for issue of execution against Edward Walrond for £500 forfeited to the King. $\frac{1}{2}$ p.
670. IX. Proceedings of a Court of Exchequer held at Antigua on 5 May, 1698, in the matter of Edward Walrond's recognisance in £500. *Copy*. 1 p. *The whole endorsed*, Recd. 13 July, 1698. [*Board of Trade*, Leeward Islands, 5. Nos. 96 I.-IX.]

July 13.
Islington.

671. Edward Walrond to Council of Trade and Plantations. I imagined that all complaints and informations within the scope of your commission would be gladly received by you, but I find to the contrary. Instead of speedy justice I have met with nothing

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but delay, to the apparent detriment of my fortune, besides the former hazard of my liberty through the arbitrary proceedings of Governor Codrington. In all Governments that I ever heard of (were they never so unjust in other cases) I never heard that the inferior magistrates refused appeal to the supreme authority; but I believe Governor Codrington never read the Acts of the Apostles. I might be thought insensible to the benefits of the laws of England, if I did not complain of this. I protest that I have no other design in my expostulations than my country's good, but I see that it is interpreted otherwise. I must remind you that Thomas Lilly, one of the pirates concerned in the plunder of the Spanish vessel, is in England, and that his arrest may be a means to a full discovery of that piracy. *Signed*, Edward Walrond. P.S.—I have an account of Antigua of a sloop seized for trading with the French, and that the French goods were found in the carts of Henry Pearne, the chief baron of the Exchequer, an excellent fellow to do the King justice. $1\frac{1}{2}$ pp. *Endorsed*, Recd. 14 July, 1698. [*Board of Trade*. Leeward Islands, 5. No. 97.]

July 13.
New York.

672. Memorandum of Governor, Earl of Bellomont. I recommend the following gentlemen to be of the Council: Colonel Abraham Depeyster, James Graham, Dr. Samuel Staats, Robert Livingston, Dr. John Corbille, Adolphus Philips. Mr. Weaver is to move the Council of Trade for their appointment. *Signed*, Bellomont. *Scrap*. *Endorsed*, Recd. 29th Sept. from Mr. Weaver, Read 30th. [*Board of Trade*. New York, 7. No. 86; and 52. p. 484.]

July 13.

673. Minutes of Council and Assembly of Nevis. On the proposal of the Assembly a joint committee was appointed to settle the accounts of the country, and it was agreed that the Acts made in April be written fair and reviewed by the Council before they are sent to the Governor, and that Captain Brome's account should be paid. [*Board of Trade*. Leeward Islands, 64. pp. 470-471.]

July 14.
Barbados.

674. Abstract of a letter from a merchant in Barbados to his brother in London. Mr. Barry Tankard's sloop is cleared, and Captain Cutter is to pay all damages. *Scrap*. *Endorsed*, Brought to the Board by Mr. Richard Cary, and read 26 Sept., 1698. [*Board of Trade*. Leeward Islands, 5. No. 98.]

July 16.
Kensington.

675. Order of the King in Council. Referring the petition of Stephen Duport to Council of Trade and Plantations for report. *Signed*, John Povey. $\frac{1}{2}$ p. *Endorsed*, Recd. Read 20 July, 1698. *Annexed*,

675. i. Petition of Stephen Duport to the King. Praying for the grant of some escheated estate in the Leeward Islands in compensation for the loss of his own in St. Christophers, which in spite of the King's orders has not been restored to him, and for the services of himself and family against the French. *Copy*. $1\frac{1}{2}$ pp.

675. ii. Copy of a former petition of Stephen Duport for the restitution of his estate in St. Christophers. 1 p.

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675. iii. Copy of the Order in Council of 26 January, 1692-3, upon the said petition, No. ii.
 675. iv. Copy of another petition of Stephen Duport to the same effect as No. ii. 1 p.
 675. v. Copy of the King's order to Governor Codrington for the restitution of Stephen Duport's property to him. 24 April, 1694. 1½ pp.
 675. vi. A list of three escheated estates in the Leeward Islands. ½ p. [*Board of Trade*. Leeward Islands, 5. Nos. 99, 99 i.-vi.; and (order and enclosure No. i. only), 45. pp. 220-223.]

July 16.
 Kensington.

676. Order of the King in Council. Referring the petition of Edward Walrond to Council of Trade and Plantations for report. Signed, John Povey. ½ p. Recd. 22nd, Read 25 July, 1698. *Annexed*,

676. i. Petition of Edward Walrond to the King. From motives of duty and loyalty I endeavoured the vindication of your Majesty against the malevolent blasts of one Robert Arthur, who was tried for embezzling your stores and would have been hanged but for the flight of a material witness. Being again accused of scandalous language against you he was allowed to go unpunished by the connivance of Governor Codrington. I have also lodged several complaints against Governor Codrington, which have been long before the Council of Trade and yet no report made to you. I beg that these matters may be speedily heard, so that I may not suffer for my zeal. 13 July, 1698. Copy. 2 pp. [*Board of Trade*. Leeward Islands, 5. Nos. 100, 100 i.; and 45. pp. 245-249.]

July 16.
 Kensington.

677. Order of the King in Council. Referring an Address from the Lieutenant-Governor and Council of Massachusetts to Council of Trade and Plantations for report. Signed, John Povey. ½ p. *Annexed*,

677. i. Petition of the Lieutenant-Governor and Council of Massachusetts to the King. By an Order of the Lords Justices in Council of 27 May, 1697, we find that Jahleel Brenton is to be allowed to appeal to your Majesty in Council in the matter of two seizures made for illegal trading in 1691 and 1692, and that appeals of Custom-house officers in the like cases are to be admitted in future. We observe that this order extends not only to the two cases mentioned, but to all like cases in future without limitation of value. Your charter to us gives us power to erect courts and try causes, appeals to your Majesty in Council being limited to causes wherein the matter in difference exceeds £300 in value. If the order above quoted be not subject to this limit, and if no ships acquitted here can be discharged until final judgment be given in England, then we conceive that the privileges granted

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by charter will be lost, looking to the delay, the cost of travelling to England and undertaking of a trial there, so that the people whether innocent or guilty will not think it worth while to exert their rights. We beg that you will restore us these privileges. *Copy. 3 pp.* [*Board of Trade. New England, 9. Nos. 33, 33 i.; and 37. pp. 13-20.*]

July 16.
Kensington.

678. Order of the King in Council. Referring the petition of John Tucker and others to Council of Trade and Plantations for report. *Signed, John Povey. ½ p. Endorsed, Recd. 12 Sept., 1698. Read 14 Feb., 1698-9. Annexed,*

678. i. Petition of John Tucker, Leonard White and Thomas Jenour of Bermuda, to the King in Council. In March, 1693, our brigantine, the Mary Rose, being at Barbados, was impressed to transport the English forces against the French in the Leeward Islands. She was thereupon appraised at £880. While employed on this service she was taken and run away with by the lieutenant of the Advice frigate and seventy men from Martinique on 30 April, 1693, and has never since been heard of. We applied to the Commissioners of transport at Barbados for our £880, but could not obtain it. The master of the sloop, Nicholas Hinson, has also petitioned the Governor and Council of Barbados for redress, but to no purpose, for they refuse, alleging that Hinson (who is not an owner) went ashore at Martinique and was taken prisoner, which, in our view, is no concern of theirs. We beg your order to the Governor and Council of Barbados to pay us £880, being the value then set upon the sloop. *Copy. 2 pp.*

678. ii. Copy of the Act of Barbados, passed in September, 1692, to raise and arm a thousand men for an expedition against the French. *2 large pages.*

678. iii. Copy of the official appraisement of the transport-vessels taken up at Barbados for the expedition against the French. The Mary Rose is appraised at £880. March, 1693. *1 p.*

678. iv. Extract from the Minutes of Council of Barbados, 11 July, 1693. Resolution refusing compensation to Nicholas Hinson for the loss of the Mary Rose, unless he can show Sir Francis Wheler's order to him to go ashore. *1 p.*

678. v. Extract from the Minutes of Council of Barbados, 29 August, 1693. Resolution, on the petition of John Tucker and others, for compensation for the loss of their sloop the Mary Rose, that they must abide by the loss, for the folly and neglect of their master. *1 p.* [*Board of Trade. Barbados, 7. Nos. 69, 69 i.-v.; and (without enclosures ii.-v.) 44. pp. 215-217.*]

July 18.
Whitehall.

679. Secretary Vernon to the Council of Trade and Plantations. The King has appointed Nathaniel Blakiston to be Governor

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of Maryland, and desires you to prepare his commission and instructions. *Signed*, Ja. Vernon. $\frac{1}{2}$ p. *Endorsed*, Reed. 18, Read 19 July. [*Board of Trade*. Maryland, 3. No. 48; and 9. p. 181.]

July 18.

680. Journal of Council of Trade and Plantations. Letters from Governor Goddard of 12 October last, from Mr. Partridge of 13 June last, from Mr. Charles Story of 23 May last, and Mr. John Graves of 11 May last, were received and read.

Captain Warren attending gave a list of his squadron and promised to draw up a memorial of his thoughts on the expedition against the pirates.

Instructions for the Governor of Virginia further considered.

July 19.

Mr. Secretary Vernon's letter of yesterday, ordering the preparation of despatches for Nathaniel Blakiston as Governor of Maryland, was read. Colonel Blakiston attending was told to make what haste he could to despatch everything for his voyage.

Instructions for the Governor of Virginia further considered.

July 20.

Mr. Stephen Duport presented an order in Council of 16th inst. with his petition (No. 675). He promised to draw up a detailed estimate of his losses and bring witnesses to the same.

Mr. Walrond's letter of yesterday received (No. 682), also an anonymous letter of 11 May from the Bahamas.

July 21.

Governor Codrington's letter of 10th ult. read.

Mr. Sansom's letter of yesterday as to illegal trade in Virginia read (No. 684).

Sir Thomas Laurence delivered Governor Nicholson's letter of 28 May, which was read, together with several papers.

Acts of Massachusetts considered.

July 22.

Mr. Secretary Vernon's letter of 21st on the subject of New York and of pirates read (No. 685). Captain Warren attending gave in some memorials as to his expedition, but undertook to bring others more perfect.

A letter of Mr. Thornburgh's to the Secretary read, excusing his delay in answering questions as to pirates in the Bahamas.

Stephen Duport presented an estimate of his losses in St. Christophers (No. 691) which was attested by witnesses. Order for a representation to be drawn thereon.

Laws of Massachusetts considered. [*Board of Trade*. Journal, 11. pp. 136-142.]

July 19.

681. William Popple to William Thornburgh. Asking what report the Proprietors of the Bahamas have received from Governor Webb as to the pirates of Every's crew, who went to New Providence. [*Board of Trade*. Proprieties, 25. p. 213.]

July 19.
Islington.

682. Edward Walrond to William Popple. I forward papers from Mr. John Lucas containing fresh instances of Governor Codrington's cruelty and injustice. Such a monster in government as Governor Codrington, to be suffered and even supported with impunity, is to all good men a riddle, but time may discover much. *Signed*, Edward Walrond. $\frac{1}{2}$ p. *Annexed*,

682. 1. John Lucas to Edward Walrond. Common gaol, Antigua, 28 May, 1698. My last letter told you of the

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appointment of a Court of Exchequer, which awarded execution against your estate for £500. I hope you have taken care to get the fine off, and that an order will be here very speedily that your enemies may not triumph. I send duplicates of my former papers. Unless an order comes speedily, myself and family will be destroyed. I have again been chosen a member of Assembly, so that I stand fair in the opinions of sober men, which comforts me in my affliction. I hope that Lord Lucas will stand my friend, and that your complaints take with the Lords, for here it is bruited that no complaints will be heard. It is discoursed that the Governor's son is killed in France, so that your "assassinature" is gone, as it was bruited here. Man proposes and God disposes; and you are preserved I hope to bring the light that has been hid some years. Mr. Blake is going home, I am told, to manage causes against me. He is in advice with Palmer and Perrie. You know the man and can give him due character. They boast how easily you are to be beaten, which is matter of laughter enough. *Signed, John Lucas.*

682. II. John Lucas to Edward Walrond. Antigua, 31 May, 1698. Since my last a new addition of affliction springs out. The enclosed declaration is sent to me. I could never get a copy of the letter they call a libel before this writ came to me, which contains what I am accused of. Pray present this to the Council of Trade, and if they send for me and the books and a Commissioner to examine witnesses, I shall faithfully make out what I know and can discover. Julius thwacked [?] me upon this score. There has been a Sessions since; no remedy for the assault. I was never challenged for this libel until I was just coming home, and apprehended that I was detained only for fear that I should complain at home. You know of my treatment, Young's perjury against me, the murder of my negro, the threatening of my man, myself closely imprisoned, my boat detained, one of the owners and my people prisoners on pretence that they carried off my son Austin, reproachful speeches, terrifying my wife and children, searching my houses, hunting my woods, frightening Austin almost to death—these are some of the cruelties. Blake, Perrie and Palmer are still cherished. Make all dispatch, that I be not utterly destroyed. If you get an order take care that there be no flaw in it to detain me, and obtain a commission for depositions and copies of records. Thus the truth will appear and the sons of iniquity be brought to punishment. *Signed, John Lucas. 2 pp.*

682. III. Copies of several documents relating to the proceedings against John Lucas. *These include the whole of those already abstracted in No. 6161. with the following additions.* Writ for the election of Assembly men for St. John's, Antigua, 6 May, 1698.

1698.

Order of Governor Codrington for the General Assembly to meet at Montserrat on 14 May. *Dated*, 9 May, 1698.

A long restatement by John Lucas of his principal complaints. *The whole*, 9½ pp.

682. iv. Summons to John Lucas to answer an action against him in the next Court of Common Pleas. 28 May, 1698. *Scrap*.

682. v. Copy of an information against John Lucas for a libellous letter written against Governor Codrington. *Signed*, J. Johns Sonn. 2½ large pages. *The whole of the preceding documents are endorsed*, Recd. 20 July, 1698. [*Board of Trade*. Leeward Islands, 5. Nos. 101, 101r.-v.]

July 20.

683. Commission of Francis Nicholson to be Governor of Virginia. [*Board of Trade*. Virginia, 37. pp. 210-226.]

July 20.

Custom
House.

684. Secretary of the Customs to William Popple. In answer to yours of 12th inst., relating to alleged illegal trading on the part of Benjamin Harrison, the Commissioners of Customs were informed by Mr. Hayman, Collector of James River, Virginia, by a letter of 27 July, 1697, that on the 19th July the brigantine Hopewell of fifty tons, Virginia built, Captain Willis Wilson and Benjamin Harrison, junior, proprietors, which was riding empty in the river under protection of H.M.S. Harwich, had sailed away secretly in the night, without permit, entry or giving security. The said Harrison was on board of her and was said to have taken aboard sixty hogsheads of tobacco, intending for some of the Northern Colonies. Mr. Hayman accordingly advertised the officers of those Colonies thereof. We have a hint of the same matter from Colonel Parke and one of his officers, and the whole was imparted to Mr. Randolph, the Surveyor-General, before his departure, for his enquiry during his general survey. But the Commissioners have no information that this vessel has proceeded to Scotland. They have indeed notice that some ships have arrived there from the Plantations, but whether this be one of them is uncertain, as it is the practice to change ships' names and otherwise to disguise them on such occasions. *Signed*, Jno. Sansom. 1½ pp. *Endorsed*, Recd. Read 21 July, 1698. [*Board of Trade*. Virginia, 6. No. 56; and 37. pp. 248-250.]

July 21.
Whitehall.

685. Secretary Vernon to Council of Trade and Plantations. I have laid before the King your report on Colonel Fletcher's petition (*see* No. 667), but the King does not think fit to give any orders for discharging or changing his security. Lord Bellomont writes that a clause in Lieutenant-Governor Nanfan's commission makes him subject to his lordship's authority only during his residence in New York, and desires that the commission may be altered and made more conformable to that granted to Lieutenant-Governor Nicholson under Sir Edmund Andros. Lord Bellomont asks also for power to change his lieutenant-governor and appoint a new one if he judges it necessary for the King's service, which arises from his distrust of Mr. Nanfan, though he is his relation

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and was recommended by him for the post. You will report your opinion hereupon, and make such alteration in the commission as you think fit. Your opinion is further desired as to the pardon recommended by Lord Bellomont for Samuel Burgess and Edward Taylor, whose confessions and affidavits are enclosed. The King intends to send Commissioners with the ships that are ordered to Madagascar for the suppression of the pirates in the East Indies, and to give them power to offer pardon to those who shall surrender. You will prepare instructions for them. *Signed*, Ja. Vernon. 2 pp. *Endorsed*, Recd. Read 22 Sept., 1698. *Enclosed*,

685. i. Copy of John Nanfan's instructions as Lieutenant-Governor of New York. 1 July, 1697. $1\frac{1}{4}$ pp.

685. ii. Copy of Francis Nicholson's commission as Lieutenant-Governor of New England. 20 April, 1688. $1\frac{1}{4}$ pp.

685. iii. Deposition of Samuel Burgess (*see No. 476 ii.*).

685. iv. Deposition of Edward Taylor (*see No. 476 iii.*). [*Board of Trade*. New York, 7. Nos. 87, 87 l.-iv.; and (*without enclosures*) 52. pp. 375-377.]

July 21. **686.** Memorandum of the last paragraph of the preceding letter, referring to the instructions required for the Commissioners that accompany the East Indian squadron. $\frac{1}{4}$ p. *The paragraph itself is transcribed in Board of Trade*. Plantations General, 34. p. 308. [*Board of Trade*. Plantations General, 4. No. 120.]

July 21. **687.** Minutes of Council and Assembly of Antigua. On the death of Governor Codrington, John Perrie, his private secretary, produced his instructions. The Assembly asked to have perusal of them, but this was denied by the Council. Thomas Duncombe, who had been suspended by Governor Codrington, demanded to sit in the Council. It was unanimously resolved that his suspension was in force.

July 22. On the resolution of the Council a letter was written to the Council of Nevis, enclosing copies of part of the Governor's instructions. In answer to a question of the Assembly, the Council gave its opinion that all offices and officers appointed by the late Governor stand in full force. The Assembly disputing this and asking that the matter might be referred by joint action to the Council of Nevis, the Council answered that it thought this unnecessary, but sent its letter down to the Assembly for perusal. The Council held that Governor Codrington's authority devolved upon John Yeamans as Deputy Governor by the late Governor's commission. The Assembly held that the chief authority in the Leeward Islands devolved on the Council of Nevis. [*Board of Trade*. Leeward Islands, 64. pp. 262-266.]

July 21. **688.** Minutes of Council of Maryland. Two gentlemen were brought up on information of drinking King James's health, but exonerated themselves. The letter of the Council of Trade of 21 March was read, with a copy of the Jamaica Act against pirates, which the Governor said that he should lay before the Assembly. Order for a letter to Mr. Paggan approving his action as to the public arms, and giving him further commissions for purchases in

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England. A Jesuit priest appeared and made a deposition against Gerard Slye. A copy of the Governor's proclamation, forbidding Popish priests to visit people's houses unless sent for, was given to him, and he was required to show it to the other priests. Further depositions against Slye. A letter from the sheriff that Robert Mason could not be brought before Council without endangering his life. Order for a medical certificate that his illness is not counterfeit. Orders sent to Colonel Lowe to arrest several persons for scurrilous words against the Governor, and in case of any commotion to raise the *posse* and inform the Governor, who will visit the place in person. Proclamation for securing runaway seamen. On complaint of John Young, that Elizabeth Wilson had threatened him with a knife when he attempted to take a horse of her husband's under warrant of impressment for the public service, it was ordered that she be brought before the Council. John Young also complained of other similar obstructions to him in the execution of his duty.

July 22.

Richard Smith bound over to take his trial for seditious language, and Benjamin Hall likewise for the like. A new Commission of the peace for Charles County ordered, with Hall's name omitted. The committee appointed to take care for transcription of the laws reported their difficulties therein, and received assurance that the clerks employed by them should be paid. Major Walter Smith bound over to take his trial for seditious language. Order for enquiry as to the number of people converted to the Romish faith during the past twelve months. Proclamations against drinking the health and promoting the interest of King James, and for the apprehension of Philip Clarke and John Coode. Order for observance of the Council of Trade's regulations respecting official documents. John Blackmore and William Cotter were brought before Council as former pirates, but several members of Council testifying to their good behaviour, they were released on giving security to appear if called upon.

July 23.

William Harris accused of making charges against James Frisby undertook to prove them, and order was given for his witnesses to attend. The Pennsylvanian Act to prevent frauds was read, when the law-officers pronounced the clause therein, whereby offences against the Acts of Trade are to be tried by jury, to be illegal, in which opinion the Council concurred. [*Board of Trade*. Maryland, 13. pp. 558-580.]

July 22.

689. Minutes of Council of Massachusetts. On the intelligence of the murder of English settlers at Hatfield by Indians, it was ordered that notice be given to Lord Bellomont to restrain the Indians from coming to the western part of the province. Leave granted to Andrew Rankin to add to his house in Boston. Order for admission of Jacob Smith to bail of £500 on a charge of piracy, and of Matthew Carey to the like bail on a charge of bigamy. Order for payment of £300 to the Lieutenant-Governor and of other salaries for the past year, of £12 to Major Convers for expenses in the King's service, of £20 smart-money to Eliezer Rogers, of £15 to a sick and disabled soldier, and of £46 to various persons for billeting soldiers. [*Board of Trade*. New England, 49. pp. 162-166.]

1698.
July 22. **690.** Minutes of Council and Assembly of Nevis. Resolved unanimously that the Government continue as it was left by the Governor and that his death be reported to the Council of Trade. [*Board of Trade.* Leeward Islands, 64. pp. 471-472.]
- July 22. **691.** Estimate of the value of Stephen Duport's estate in St. Christophers. Total £10,007; with a confirmatory certificate of the same. 1 p. *Endorsed*, Recd. Read 22 July, 1698. [*Board of Trade.* Leeward Islands, 5. No. 102; and 45. pp. 226-227.]
- July 22.
Nevis. **692.** Council of Nevis to Council of Trade and Plantations. Governor Codrington died at Antigua on the 20th inst. We shall be very careful in performing the trust reposed in us by him in the Government of this island till further notice. *Signed*, Wm. Burt, Mich. Smith, Dan. Smith, Jno. Smargin, Rich. Abbott, Walter Symonds. $\frac{1}{2}$ p. *Endorsed*, Recd. Read 26 Sept., 1698. [*Board of Trade.* Leeward Islands, 5. No. 103; and 45. p. 294.]
- July 22.
Admiralty
Office. **693.** J. Burchett to Mr. Secretary Vernon. The Admiralty have heard from Captain Bowles of H.M.S. Norwich, under date Montserrat, 14 June, that no packet has arrived for taking over the French part of St. Christophers, and that the French gentlemen are going home to acquaint the French King of our pulling down French houses in that island since the peace, and to ask satisfaction. *Signed*, J. Burchett. $\frac{1}{2}$ p. [*America and West Indies.* 551. No. 89.]
- July 22.
London. **694.** Captain Thomas Warren to Council of Trade and Plantations. According to your orders I have enquired as to the navigable part between this and Madagascar. I find that we may go at all times of the year. The East India Company have several ships now going for India, which is far more difficult navigation than that to Madagascar with regard to the time of year. The western monsoons begin at the latter end of January, which in my judgment is the time when we should be at Madagascar, and have done what we had to do there and have been ready to take the first of the westerly monsoons, proceeding eastward according as we meet with intelligence. I desire that in my instructions there may be directions concerning the traders with pirates and ships that I may meet illegally trading, also that, in case the pirates have any other place of rendezvous besides Madagascar, I may have liberty to follow them; also how I am to dispose of those who surrender on account of pardon. I desire also that I may carry credit with me, or power to demand what necessities I require from our English factories. I am informed that there is a ship daily expected hence from India which can give a full true account of the places and strength of the pirates. I am promised the whole account, and I shall acquaint you as soon as I get it. I think that another frigate would be of great service, for if I desire to divide my squadron I cannot conveniently do it, having but three ships. With four I could order two and two together for any service that required it. I ask also that we may have two responsible men for two of our ships, who are acquainted with the coasts that we may be called to. *Signed*, Tho. Warren. *Holograph.* 1 p. *Endorsed*, Read 26 July. [*Board of Trade.* Plantations General, 4. No. 121; and 34. pp. 309-310.]

1698.
July 22. **695.** Minutes of Council of New York. The Lieutenant-Governor informed the Council that Governor Basse and Mr. Willocks had been with him and had asserted the right of East Jersey to a free port at Amboy. Order for the officers of the Customs to do their duty in enforcing Lord Bellomont's proclamation with reference to Amboy, and for an officer to proceed thither at once in quest of a sloop which was about to land goods there.
- July 23. It was reported to the Council that the Governor of the Jerseys asked for the clearing of a ship in the roads for Amboy, offering security to abide a trial about the right of a port at Amboy. The Governor and Mr. Willocks appeared and upheld the right of the said port under an Act of 25 Car. II., saying further that the bills of lading for Amboy had been signed by the master, and cockets signed by the Commissioners of Customs. He also handed in further documents, which were ordered to be sent to the Governor at Albany. [*Board of Trade.* New York, 72. pp. 125-126.]
- July 25.
Antigua. **696.** Lieutenant-Governor Yeamans to Council of Trade and Plantations. Governor Codrington departed this life on Wednesday morning last. I have reported this to the President and Council of Nevis, with whom, by the late Governor's instructions, his power seems to rest; but owing to the suspension of Lieutenant-Governor Gardner of Nevis and the Governor's death before the King's pleasure was known therein, some hold that Colonel Gardner may assume the Government, which I fear may raise trouble among us. I and my Council hold that his suspension continues. *Signed,* John Yeamans. $\frac{1}{2}$ p. *Endorsed,* Recd. Read 4 Oct., 1698. *Enclosed,*
696. 1. Copy of the Minutes of Council of Antigua. 22 July, 1698. Resolved that the Governor's death be at once reported to London and to Nevis, that a copy of his instructions also be sent to Nevis, and that the Government be continued as he had established it. $\frac{1}{2}$ p. [*Board of Trade.* Leeward Islands, 5. Nos. 104, 1041; and (without enclosures) 45. pp. 296-298.]
- July 25. **697.** Journal of Council of Trade and Plantations. Order in Council of 16th inst. upon Edward Walrond's petition read (No. 676). The Board resolved to give the business what despatch they could.
- List of several papers of Maryland brought to the Board by Sir Thomas Laurence on the 21st inst. Order for Sir Thomas to attend the Board, and for the Acts to be sent to the Attorney-General.
- July 26. Mr. Walrond's papers considered. Order that he be requested to make oath to the matters of fact which he offers.
- Captain Warren presented a memorial (No. 694). Order for a representation to be drawn in accordance with his wishes.
- July 27. The addresses from Maryland were returned to Sir Thomas Laurence for delivery to a Secretary of State.
- Letter to Mr. Walrond, as ordered yesterday, approved.
- Representation as to several matters in New York, dated yesterday (No. 698), signed.

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July 28. Representation recommending the addition of a ship to Captain Warren's squadron signed (*No.* 709) and, together with that of the 26th, sent to Secretary Vernon.
- July 29. The instructions for the Commodore and Commissioners of the expedition against pirates considered. [*Board of Trade. Journal*, 11. *pp.* 143-153.]
- July 26.
Whitehall. **698.** Council of Trade and Plantations to the Lords Justices of England. On the subject of the Commission of the Lieutenant-Governor of New York (*see No.* 685), we think it undesirable that whenever Lord Bellomont shall leave New York for some other Colony of his Government, the Lieutenant-Governor should be independent of his authority, and we offer the draft of a new Commission for the Lieutenant-Governor, drawn on the model of that prepared formerly for Colonel Nicholson. As to the Governor's power to suspend the Lieutenant-Governor and appoint another in his place, we think that he does enjoy such power under his present instructions, or at least that in case of doubt such power should be explicitly conferred on him. Finally, we are of opinion that Lord Bellomont may properly exert his power of pardoning the pirates Edward Taylor and Samuel Burgess. *Signed*, J. Bridgewater, Ph. Meadows, Jno. Pollexfen, John Locke, Abr. Hill. [*Board of Trade. New York*, 52. *pp.* 378-382.]
- July 26. **699.** William Popple to the Attorney-General. Forwarding the Acts passed in Maryland from 10 March to 4 April, 1698, for his report, as speedily as possible. *Here follows a list of the Acts.* [*Board of Trade. Maryland*, 9. *pp.* 196-197.]
- July 26. **700.** Minutes of Council of Nevis. Colonel Gardner claiming to sit as eldest Councillor, it was unanimously resolved that his suspension debars him. Letter from Deputy-Governor Yeamans read, sending a copy of part of the late Governor's instructions. A letter was written in acknowledgment; and it was resolved that the Government of the Leeward Islands devolves on this Council. [*Board of Trade. Leeward Islands*, 64. *pp.* 472-473.]
- July 28.
Whitehall. **701.** Mr. Yard to Council of Trade and Plantations. Your representation as to Captain Warren's squadron and another relating to Lord Bellomont have been laid before the Lords Justices, who have directed the former to be sent to the Admiralty for their report. The draft commission to Lieutenant-Governor Nanfan is approved, as also the power conferred on Lord Bellomont to suspend the Lieutenant-Governor of New York upon just occasion, and to appoint another to act until intimation of the King's pleasure. You will cause a draft of such a power to be prepared, that it may be passed and sent to Lord Bellomont. The establishment of the linen manufacture and discouragement of the woollen manufacture in Ireland being of great importance, you are desired to consult with the Lord Chancellor of Ireland and prepare the heads of a bill with these objects. *Signed*, R. Yard. $1\frac{1}{2}$ *pp.* *Endorsed*, Reed. Read 1 Aug., 1698. [*Board of Trade. New York*, 7. *No.* 88; and 52. *pp.* 383-384.]

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July 28. **702.** Memorandum of the receipt of the foregoing letter. $\frac{1}{4}$ p.
[*Board of Trade. Plantations General, 4. No. 122.*]
- July 28.
Whitehall. **703.** Council of Trade and Plantations to the Lords Justices of England. Having several times laid before the King our opinions as to the measures to be taken for the suppression of pirates in the East Indies, and having received from Captain Warren (*see No. 694*) a recommendation for speedy despatch of the squadron and for the addition of another ship thereto, we recommend that a fifth-rate frigate be added to his squadron accordingly. *Signed, J. Bridgewater, Ph. Meadows, John Pollexfen, Abr. Hill.* [*Board of Trade. Plantations General, 34. pp. 311-312.*]
- July 28.
Jamaica. **704.** Governor Sir William Beeston to Council of Trade and Plantations. Since my last I have decided that the Assembly shall be called to meet on 27 September next. I have before mentioned to you the misfortune that it is to this country that the patentees for the offices are not obliged to execute their offices themselves, or to desire the Governor and Council to put in such as may be fit to officiate in them. I have lately discoursed Mr. Palmer, an intelligent gentleman lately come from the Windward Islands, who tells me that all the patentees there are obliged to officiate themselves, otherwise their patents are void. I hope you will move that this island shall not be under greater difficulties and hardships than they. A French ship, bound with about 160 passengers from Petit Guavos to the Isle de Vaches to settle those parts, has been driven in here from want of water and provisions. The Captain tells me that the King of France has this year sent two thousand people to Hispaniola and is daily sending more, that he gives them their passages, and that he allows to those who come as servants one year's support, after their times are out, to encourage them to settle in the place. By this means the place will be so filled with people that, should another war break out, they will be much too strong for us; and I think it my duty to report the same to you. The hot months have begun to bring back sickness again, and the bleeding fever which has afflicted all these parts of the world for the last eight years has appeared again. Several new comers are dead of it, but it does not seem to affect those who have been any time here. Our doctors find no cure for it. It would be worth the enquiry of some eminent physician to save the lives of so many people, it falling mostly on the seamen. I have already informed you of the departure of Mr. Brodrick and Colonel Lloyd for England and of their designs against me. To further it they have privately dealt with some of this country, and have obliged or sworn them to secrecy, and this only to gratify Colonel Lloyd's ambition, which is so great that he hopes through Mr. Brodrick's friends to obtain this Government. I repeat that he acts only on premeditated malice without just cause, and repeat also my request that the charges may be returned hither for examination by the Council or any other, and then if I do not justify myself I am willing to submit to your censure. But to shew you their management more plainly, I enclose the oath of

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a Councillor, and leave it to you to judge how these men, who were both Councillors, have behaved, and whether it was not the duty of the one as Chief Justice and of the other as Attorney-General to have advised if they had seen me offering at any thing that was not fitting for me to do (though I know not nor ever designed such a thing), instead of secretly endeavouring to ensnare and traduce me. The Attorney-General has performed his office so viciously that the whole country cries shame on him and hopes never to see him again, and his carriage to me was such that of late he never came near me but when I sent for him, and then I could not depend upon a word that he said, he being known to all the country as a man of no manner of veracity or morals, so that if all that he had done here were represented he would appear the wonder of mankind. I hope the King, who has so long entrusted me with this island, will support the authority which he was pleased to bestow, and suffer no ambitious or malicious man to disturb it. Captain Lilly, who was sent hither by the Office of Ordnance, has been recalled by them to England. He is unwilling to remove hence, where he hopes to better his fortune, and prays leave to stay till further orders come for his return. The country likewise, now that it is time of peace, seems to be willing to provide against war, and to fortify where and to such extent as they are able. They therefore request that he may be continued to assist in it. I mention this to shew you that his stay is not occasioned by me; nor had I orders to send him away, else he should not have stayed, for I know not what his instructions are—it is his own doing and inclination. Four of the Council are gone off, and the Council grows thin again. There are few fit to be recommended for that employment, so that I can at present recommend no other than Charles Sadler, who is Lieutenant-Colonel at Port Royal, and the probable officer to succeed there if Colonel Knight goes off, as he says he will. If you will recommend him he would be useful to fill a vacancy. The Acts of Navigation are so strict and the oaths to keep them so severe that I am at a mighty loss to know what to do when French, Dutch and Portuguese arrive here for wood, water and provisions to supply their necessities, and bring no money with them; nor have I credit here, so that I am forced to let the Naval Officer sell them as much as will defray their charges. Pray give me full directions herein, that I may not err by inadvertency. The Foresight, for want of necessary caution, came ashore in the night on a reef on the south side of Cuba and is wholly lost; also a vessel in her company that was carrying negroes, but the men and negroes are all saved. I regret to have to report such a misfortune. Signed, Wm. Beeston. *Holograph.* 2 pp. *Endorsed*, Recd. 12. Read 14th Nov., 1698. *Enclosed*,

704. 1. Copy of the oath taken by a Councillor of Jamaica. *Scrap.* [*Board of Trade.* Jamaica, 8. Nos. 95, 95 i.; and 56. pp. 238-239.]

July 28.

705. Minutes of Council of Barbados. Governor Ralph Grey produced his commission and was sworn, as were also the old members of Council, and Richard Scott, Benjamin Cryer, Richard Walter and Thomas Merrick, new members. Proclamation to

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continue all officers in their places. The Governor and Council signed the Association. [*Board of Trade*. Barbados, 65. pp. 359-360.]

July 29.
Montserrat.

706. Lieutenant-Governor of Montserrat to Council of Trade and Plantations. Our good Governor died on the 19th inst. By his commission the Commander-in-Chief for the time being is to succeed him pending further orders, and there is at present no Lieutenant-Governor in these Islands holding the King's direct commission except myself, Colonel Gardner being under suspension. The other commanders in the islands are therefore only presidents, who received their authority from the deceased Governor. I presume, therefore, that the Government rests with me, until further orders. My Council concurs with me herein, and I have written to the Commanders-in-Chief of the other islands, but have not yet received their opinion. If any dispute arise I shall acquaint you. Before his death arrived orders to restore the French part of St. Kitts, but I understand that the authority to do so was committed to the late Governor alone. If the French should come, we should be to seek in this matter. *Signed*, T. Delavall. 1½ pp. *Endorsed*, Recd. 17th. Read 19th Sept., 1698. [*Board of Trade*. Leeward Islands, 5. No. 105; and 45. pp. 278-280.]

July 29.

707. William Thornburgh to William Popple. Since my last I have opened letters from the Bahamas to the Lords Proprietors. Captain Webb reports that he has investigated the matter of Avery's piracy committed on Sir James Houblon's ship, the Charles, and has sent Sir James a sworn statement by Mr. Trott, who is now come home. He has also acknowledged to the Duke of Shrewsbury his letter respecting the suppression of pirates, with assurance that he will fulfil the orders therein with all strictness. *Signed*, Wm. Thornburgh. 1 p. *Endorsed*, Recd. Read 1 Aug., 1698. [*Board of Trade*, Proprieties, 2. No. 25.]

July 29.
Office of
Ordnance.

708. William Phelps to William Popple. The Board of Ordnance has received Mr. Vernon's letter with the King's order to send ten barrels of powder, cartridge paper and flags to Bermuda. These will be despatched as soon as there is notice of any ship going thither. *Signed*, Will. Phelps. *Inscribed*, Communicated to John Williams, Mr. Day's agent, 24 Aug., 1698. *Endorsed*, Recd. Read 1 Aug., 1698. [*Board of Trade*. Bermuda, 3. No. 29; and 29. p. 124.]

July 30.
Whitehall.

709. Mr. Stanley to William Popple. I was to wait on you to-day to ask that the enlarged powers to Lord Bellomont, relating to his Lieutenant-Governor in New York, may to save time and charges be conferred by way of an additional instruction. Lord Bellomont also asks for a commission appointing him Vice-Admiral of New York, Connecticut, East and West Jersey, Massachusetts, New Hampshire and Rhode Island, with power to appoint officers to the Admiralty Courts in the said provinces, as is usual in such cases. He desires also that the Council of Trade will procure the order for abolishing the deduction of 30 *per cent.* from the pay of officers and soldiers in New York, provisions being so dear that they

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are like to starve. *Signed*, J. Stanley. 1½ pp. *Endorsed*, Reed. Read 1 Aug., 1698. [*Board of Trade*. New York, 7. No. 89; and 52. pp. 385-386.]

July 30.
Islington.

710. Edward Walrond to William Popple. Pray lay the enclosed papers before the Council of Trade. I have given their directions to Captain Bugdon. *Signed*, Edward Walrond. P.S.—Captain Bugdon has been with me since I wrote the above, and has attested his deposition. ¼ p. *Endorsed*, Reed. 1 Aug., 1698. *Enclosed*,

710. i. Affidavit of Edward Walrond attesting the truth of such of the following documents as are not otherwise attested. 30 July, 1698. ½ p.

710. ii. Copy of a letter from Colonel Holt to Governor Codrington. 20 Feb., 1697-8. (*See* No. 670 i.)

710. iii. Substance of a letter of Edward Walrond to the Council of Trade of 2 August, 1697. Setting forth his complaints against Governor Codrington in respect of Captain Robert Arthur's trial. 2½ pp. (*See* No. 31 i.)

710. iv. Copy of Edward Walrond's remonstrance to the Court of Grand Sessions. 18 May, 1697. (*See* No. 31 iii.)

710. v. Copy of Governor Codrington's cruising orders to Captain Bugdon. 8 May, 1697. ½ p.

710. vi. Deposition of Henry Walrond. 26 July, 1697. (*See* No. 31 v.)

710. vii. Deposition of Thomas Duncombe. 11 March, 1697-8. (*See* No. 670 ii.)

710. viii. Copy of John Yeaman's letter to Edward Walrond of 10 March, 1697-8. (*See* No. 670 iii.)

710. ix. Copy of a letter from Edward Walrond to Council of Trade and Plantations. 14 December, 1697. *This is practically a duplicate of his letter of 11 September, 1697.* (*See preceding volume*, No. 1,317.)

710. x. Copy of a deposition of Laurence Crabb. 27 July, 1697. (*See preceding volume*, No. 1,317 i.)

710. xi. Summons for Edward Walrond to appear before the Council of Antigua. 27 July, 1697. (*Ibid.* No. 1,317 ii.)

710. xii. Copies of Nos. 1,317 v., vi., *preceding volume*.

710. xiii. Edward Walrond's apology. (*See ibid.* No. 1,317 iii.)

710. xiv. Order for the apprehension of Henry Walrond. 1 Sept., 1697. (*See ibid.* No. 1,317 iv.)

710. xv. Deposition of Captain Edmund Bugdon. 1½ pp. (*See* No. 658.)

710. xvi. Copies of the correspondence between Governor Codrington and Captain Bugdon. (*See* No. 658 i.) [*Board of Trade*. Leeward Islands, 5. Nos. 106, 106 i.-xvi.]

July 30.
Jamaica.

711. An anonymous letter from Jamaica. Recounting the loss of H.M. Ship Foresight, the loss to the merchants by the wrecking of the negro-ship in her company, and the desperate state of Jamaica owing to its depopulation and evil repute for sickness,

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and to the growing strength of the French at Hispaniola. 1 p. *Endorsed*, Communicated by the E. of Bridgewater and read 25 Nov., 1698. [*Board of Trade*. Jamaica, 8. No. 96.]

Aug. 1.

712. Journal of Council of Trade and Plantations. Mr. Yard's letter of 28 July as to New York read (No. 701), also a letter from Mr. Stanley of 30th ult. (No. 709). Order for an additional instruction to be prepared for Lord Bellomont accordingly, and a representation covering it.

Mr. Thornburgh's letter of 29th ult. as to the pirate Every in the Bahamas read (No. 707).

Mr. Phelps's letter of 29th ult. as to Ordnance stores for Bermuda read (No. 708).

Several papers from Mr. Walrond were laid before the Board.

Aug. 2.

Commission for Colonel Blakiston as Governor of Maryland considered. Order for the Secretary to submit to Sir Charles Hedges a doubtful point as to martial law (No. 719).

Draft additional instructions for Lord Bellomont agreed to and a representation thereupon signed.

Order for the Secretary to request the Secretary of the East India Company to communicate all intelligence about pirates. Instructions to the Commissioners for the expedition against pirates further considered.

Mr. Yard's letter of this day as to the pardoning of two pirates in New York read (No. 717).

Aug. 3.

The instructions for the Commissioners for the expedition against pirates further considered. Order that Mr. Gilbert Heathcote and the trustees for the General Society for the East India Trade be summoned to attend on Friday.

Stephen Duport's memorial of this day on behalf of Protestant refugees read (No. 721). Order for an article to be inserted in their favour in the next letter to Governor Codrington.

Order in Council of 16 July last with an address from the Lieutenant-Governor and Council of Massachusetts, as to appeals to the King upon seizure of ships under the Acts of Trade, read (No. 677). Order for a letter to be prepared to the Attorney and Solicitor-General on the subject.

Sir William Beeston's letters of 31 May, 4 and 6 June read, with enclosures. Resolved that the matter reported in the letter of 4 June needs no consideration, unless further application be made upon it. Order for the Governors of all Colonies to be instructed that papers addressed to the King should pass through the hands not of the Board but of the Secretary of State.

Aug. 4.

Mr. Yard's letter of 2nd inst., with an address from the Council of Maryland read (No. 716).

Mr. Walrond's letter of yesterday praying for despatch of his business read (No. 722).

Colonel Jennings' letter of 15 March last and Mr. Beverley's of 1st December, enclosing public papers from Virginia, read.

Draft letter to the Attorney and Solicitor-General, as ordered yesterday, was approved and sent (No. 725).

Aug. 5.

A letter from Mr. Yard with duplicates of public papers of Virginia, and Governor Goddard's letter of 7 July last, read.

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Sir Charles Hedges' letter of 3rd inst., upon the question of martial law raised on the Governor of Maryland's commission, was read (*No. 720*); and an alteration made in the commission accordingly. Order for a representation to be prepared for transmitting the commission to the Lords Justices.

Mr. Blackborne's letter of 4th inst. with several enclosures giving information as to pirates read (*No. 723*). Order for the Secretary to request copy of the depositions therein mentioned as made by two of Captain Kid's men, and for the men themselves to be sent to the Board. The questions of the victualling of the expedition and the disposal of pirates were reserved by the Company for further consideration before giving an answer.

Mr. Gilbert Heathcote, being questioned on some heads in Sir William Beeston's late letter, gave information that Sir James del Castillo was a very worthy person, and Colonels Lloyd and Brodrick very troublesome men to the quiet of Jamaica. [*Board of Trade. Journal, 11. pp. 154-167.*]

[Aug. 2.] **713.** A list of papers of public proceedings received from Virginia on 2 August. $\frac{1}{2}$ p. [*Board of Trade. Virginia, 6. No. 57; and 37. p. 250.*]

Aug. 2. **714.** Minutes of Council of Barbados. John Gibbes sworn of the Council and William Hare sworn Secretary. Several letters from the Council of Trade read, also one from the Agents with Mr. Eyles's accounts, and the African bill passed by the House of Commons. Order for the Agents' letters to be laid before the Assembly. James Hannay, Provost Marshal, and his servants sworn. The Assembly was then summoned, when the Governor made them a speech, delivered them the Agents' letters, and asked for his commission to be recorded in the Assembly's books. Petition of planters against increase of the duty on sugars read and, with the African bill, sent to the Assembly. The Attorney-General, Solicitor-General and Judge of Admiralty were sworn. The Assembly returned to ask if the Governor was satisfied with his house or would accept an equivalent and provide himself. The Governor answered, choosing the latter, if agreeable to the Assembly. [*Board of Trade. Barbados, 65. pp. 361-362.*]

Aug. 2. **715.** Journal of Assembly of Barbados. The House met pursuant to an adjournment of 18 July, on which day there was no quorum. The House waited on Governor Grey, when the Speaker made him a speech of welcome as one who had sat in the House of Commons, done good service in the camp and taken a leading share in the glorious Revolution. Order for £500 to be presented to the Governor for his habitation. The accounts of Mr. Heberlands were passed and payment ordered. [*Board of Trade. Barbados, 65. pp. 300-302.*]

Aug. 2. **716.** Mr. Yard to the Council of Trade and Plantations. Sir Thomas Laurence has presented an address from the Council of Maryland to the Lords Justices, who desire me to transmit it to you for your consideration and report. Signed, R. Yard. Enclosed,

716. 1. Address of the Council of Maryland to the King. By the Governor's commission and instructions the Council

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of Maryland is to consist of twelve persons, without five of whom the Governor is ordered not to act except in cases of emergency. By the severity and sickness of last winter, David Browne, Nicholas Greenberry and George Robotham are lately dead, the Secretary was so ill that he could not attend, John Addison is now absent for the same reason, Charles Hutchins and James Frisby live so far away on the other side of Chesapeake Bay that they could not attend, and Edward Randolph is called away by his duties to other Colonies so much as to be little resident among us. No certain allowance is settled in the Council for their trouble and expenses but what is agreed to by ordinance of the Assembly, which is a certain quantity of tobacco *per diem*, hardly sufficient to pay necessary expenses. Thus the quick despatch of business is impossible and the reputation of the public authority is impaired. We propose that at least six be added to the present councillors, and that the numbers of the standing Council be raised to fifteen; and that you would graciously vouchsafe to them additionally a yearly salary of ten pounds out of the fourth threepence *per hogshead*, which generally produces £300 a year. The expense should the rather be charged on that fund since it is out of it that the Government is already competently furnished with arms and ammunition, and if the whole were applied to the purchase of arms, the people would depend wholly thereon and not supply themselves. For Councillors we propose Dr. Thomas Bray, the Bishop of London's Commissary, Robert Smith, John Hammond, Richard Hill, Thomas Tasker, Francis Jenkins. *Signed*, Thomas Laurence. *Large sheet, endorsed*, Recd. Read 4 Aug., 1698. [*Board of Trade*. Maryland, 3. Nos. 49, 49 i.; and 9. pp. 199-201.]

Aug. 2.
Whitehall.

717. Mr. Yard to William Popple. I am directed by the Lords Justices to acquaint Lord Bellomont that it is left to him to pardon the pirates Edward Taylor and Samuel Burgess, if he thinks they deserve it. I omitted this in my letter of 28 July. *Signed*, R. Yard. $\frac{1}{2}$ p. *Endorsed*, Recd. Read 2 Aug., 1698. [*Board of Trade*. New York, 7. No. 90; and 52. pp. 386-387.]

Aug. 2.
Whitehall.

718. William Popple to the Secretary of the East India Company. Desiring him to communicate any further intelligence that the Company may have received by their late ships respecting pirates. [*Board of Trade*. Plantations General, 34. p. 313.]

Aug. 2.
Whitehall.

719. William Popple to Sir Charles Hedges. I send copy of an article which has hitherto been inserted time after time in the commissions of all Governors. Some scruple has now arisen whether it has been according to law to empower a Governor to commissionate a captain of any ship to execute martial law on

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board that ship (which seems to be the intent of the former part of the said article). The Council of Trade desires your opinion hereon. [*Board of Trade*. Maryland, 9. p. 198.]

Aug. 3.

720. Sir Charles Hedges to Council of Trade and Plantations. I have considered the copy of an article relating to the execution of the law martial by captains of ships, etc., to be appointed by the Governors of the Colonies. With submission to the gentlemen of the Common Law, by whom this question may best be resolved, I am of opinion that the granting power to a Governor in America to commissionate a captain of any ship to execute martial law on board that ship is not agreeable to the law. *Signed*, C. Hedges. $\frac{1}{2}$ p. *Endorsed*, Reed. Read 5 Aug., 1698. [*Board of Trade*. Maryland, 3. No. 50; and 9. p. 202.]

Aug. 3.

721. Memorial of Stephen Duport to Council of Trade and Plantations. The French Protestant refugees in the Caribbean Islands beg you to recommend them to the Governor thereof until they can procure themselves the necessary privileges to live comfortably among the English, with whom they have served in all expeditions in these parts during the late war, to the satisfaction of their commanders, to the end that they may not be molested but rather supported after a manner answerable to their lamentable dispersion. *Signed*, Duport. $\frac{1}{2}$ p. *Undated*. *Endorsed*, Reed. Read 3 Aug., 1698. [*Board of Trade*. Leeward Islands, 5. No. 107.]

Aug. 3.
Islington.

722. Edward Walrond to Council of Trade and Plantations. The particulars of Captain Arthur's case have been before you for ten months and Governor Codrington's answer thereto for four months, yet no report has been made. I remember that it is inserted in your commission that you shall send for persons and papers for your better information, but no care was taken to secure me from Governor Codrington's arbitrary power, so that if I had not happily been at Barbados when you sent him copies of my letters, the results might have been deplorable. The remedies which the King's care had provided for the security of his subjects in the West Indies prove our destruction. It would be much better for us to be declared slaves than to be amused with the bare notion of liberty. If my ignorance of the method of laying complaints before you prove injurious to the equity of my cause I cannot help it, for I have remonstrated what I knew with all sincerity. Mr. Popple tells me that I have not used the method prescribed to me by your orders. I have done it in the best way that I can, and shall not be so imprudent as to give Governor Codrington's friends any advantage against me. I expected to have met in England with encouragement suitable to the services I had endeavoured to render by detecting villanies injurious to the public weal, but I can say that no man ever had less. I have but one cure for all my ills, which I hope, if I live, some little time will procure me. *Signed*, Edward Walrond. [*Board of Trade*. Leeward Islands, 5. No. 108.]

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Aug. 4.
East India
House.

723. The East India Company to Council of Trade and Plantations. Enclosed are extracts from letters received from Fort St. George and Bombay relating to piracy in the East Indies, also the narrative of one William Willock and other papers touching Captain Kidd, a pirate who has done much mischief in those parts, also certain letters and papers received from New York by Sir Benjamin Bathurst. *Signed*, Ro. Blackborne. $\frac{1}{2}$ p. *Enclosed*,

723. i. A list of pirates who came into Pennsylvania from Carolina in 1692 and showed £1,000 a man, also of seven of Every's men. Sixteen names in all. 1 p.

723. ii. Extracts from a letter to the East India Company from Bombay, dated 18 December, 1697. It is certain that there is a nest of rogues seated in Isle St. Mary's near St. Lawrence, where they are frequently supplied with all that they want by ships from New York, New England and the West Indies. If you can obtain such strength as is named in your last letter, no doubt they may soon be brought to deserved punishment, especially if care be taken to prevent their recruits and supplies from the forementioned places. Whither the Mocha frigate and others of them are gone we know not, but we fear through the Straits of Malacca with a design to rob the China and Japan junks, the Portuguese ships from Macao and such of the English as they can master. We have sent home two of Kidd's men that ran away from him, with their depositions. $\frac{1}{2}$ p. *Endorsed*, Read 5 Aug., 1698.

723. iii. Extracts from a letter from Fort St. George to the East India Company, 26 January, 1697-8. You will receive several accounts of the pirates, particularly of an engagement between the Mocha frigate and the Dorrill in the Straits of Malacca. Both ships suffered somewhat and parted. The Dorrill put into Acheen to repair and proceed for Malacca, but it is not known how far she proceeded. The Mocha robbed several small China vessels, a Portuguese ship and several others. She was then careened and repaired, and sailed, whither unknown, on the 22nd December last, releasing one William Willock, one of their prisoners, whom they made pilot in one of their prizes. He brought the ship hither (Madras) on the 5th inst. We have sent word to Negapatam, as she is a Dutch ship, and they are sending up persons to take her over. From Bombay it was advised under date 27 September last that Captain Kidd attacked the Mocha fleet on its return to Surat, but was driven off by the Sceptre, frigate. He was lately cruising on the coast of Malabar. $1\frac{1}{4}$ pp. *Endorsed*, Read 5 Aug., 1698.

723. iv. An account of Captain Kidd of the Adventure galley of 250 tons, 30 guns, 200 men and 26 or 30 oars. Captain Kidd fell in company with several English ships bound from the East Indies about 200 leagues

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west of the Cape of Good Hope. One of them chased him and made him bring to, when he was ordered on board the Windsor, Captain Warren, and said that he was from New England and on the look out for Every and other rovers who infested the coast. He produced an authentic commission under the great seal of England, and hearing that the ships were bound to the Cape said that he was bound thither too, and would accompany them. Captain Warren saying that he was short of men, Kidd said that he could spare him several, but that night he rowed away in a calm and next morning was almost out of sight. He talked very big while on board, which made many suspect the honesty of his design. The fleet was shortly afterwards dispersed, and two of the ships, East Indiamen, entering Johanna harbour found Kidd then at anchor. Kidd hoisted English colours and the King's jack and pendant, fired at the Sidney, East Indiaman, and ordered her to strike her colours, with threats. Just then two more East Indiamen came into the harbour, and we sent Kidd word that unless he behaved civilly we would call him to account. He gave us all an invitation on board his ship, and gave out that he was bound for Port St. Mary's on the east side of St. Lawrence to hunt for pirates, but for all his pretences his men confessed that they expected to find no ship in Johanna but a single East India ship, which they knew was bound for Surat. The Johanna people told us that Kidd had given the King of Johanna a bill on the King of England for his provisions, which was not accepted. Kidd not liking our company filled up with water and sailed away. *Signed, John Clarke.* 2½ pp.

723. v. Extract from a letter from Carwar to Bombay. 9 August, 1697. Two of Captain Kidd's men have come to the factory, who tell us that they have taken an English vessel at Bombay and have the commander a prisoner on board. They took out of her about £100 of gold and other goods. Their going to Mocha was with full intent to take the Surat ships, had not the convoys prevented them. They were on the watch for a rich native ship. They intend to take into their own use the first good ship they meet with, as their own is rotten and leaky. We believe he intends to lie off here, so if you send a force against him, it is ten to one that you find him hereabout.

Here follows copy of a letter from Kidd asking for permission to take in wood and water. He represents that he had left England fifteen months before, with the King's commission to take all pirates. Dated, 4 October, 1697. The whole, 1½ pp. Endorsed, Read 5 Aug., 1698.

723. vi. Diary of the proceedings of an European pirate, that came into Calicut Roads. 23 November, 1696. On this

1698.

morning a ship under English colours stood into Calicut, and when alongside the outermost ship struck the English and hoisted Danish colours, fired a broadside, boarded and took her. Her boats then took three other ships. The Governor then came to us with threats and ordered us forthwith to send off to her and ask who they were, whereupon we sent Captain Mason, who returned saying that they were soldiers of fortune and that if the ships were not ransomed for £10,000 they and the rest of the shipping should be burned. We were well guarded all that night by the Governor's people. 24 November. This morning the pirate was found to have moved her prizes to deeper water. The Governor ordered us to send off to know if they could lessen their demands. Captain Mason was accordingly sent off with a flag of truce and remonstrated civilly but to no purpose. They said he was no countryman of theirs, that they would not abate of 40,000 dollars ransom, and that unless it was sent off by noon one of the ships would be fired. Captain Mason again went off and offered 20,000 dollars, but they were deaf to it, and at four o'clock set one ship on fire. Again Captain Mason was sent off to offer 20,000 dollars if the three remaining ships were returned without further damage. This they accepted provided the money should be sent off in the morning early, but detained Captain Mason till it arrived. 25 November. The native Governors came to us to say that the money could not be ready till 10 o'clock, and to ask us to send aboard the pirates to persuade them to wait so long. They said they would wait till noon and no longer, and finding that the native Governors were trifling with them let another ship ashore on fire. The native Governors had meanwhile sent for the Malabar pirates and ten prows arrived in port this night. 26 November. The pirate weighed and put to sea this morning, the Malabar pirates stood after them and the two remaining ships were recovered. The Malabar pirates returned at night, but the English pirates were hull-down by six o'clock, with Captain Mason still on board. 27 November. Captain Mason returned, having been put in a boat by the English pirate which was captured by Malabar pirates, whereby he was obliged to jump overboard and swim ashore. He brought news that the pirate would cruise for Persia and Bussora ships. He reported her to be of about 300 tons, 20 guns and 100 men, her captain a Dutchman of New York, and that she daily expected a consort of about the same strength under one Hore. They offered him command of the ship if he would join them. He gathered that most of the pirates were fitted out from New York and returned thither to share the plunder with the Governor's connivance. One pirate had presented the Governor with his ship. 4 pp. *Endorsed*, Read 5 Aug., 1698.

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723. VII. A list of the men's names on board the pirate-ship John and Rebecca, John Hore, captain. 114 names, chiefly English. 2 pp. *Endorsed*, Read 5 Aug., 1698.
723. VIII. Narrative of William Willock, prisoner on board the pirate ship Mocha for eleven months. I was master of the ship Satisfaction, bound from Bengal to Surat. When off Ceylon I met with two ships which ranged up alongside, one on each side, and sent a boat full of armed men aboard, who at once took me to the larger of the two ships. She was the Mocha, commanded by Ralph Stout; the other was of about 130 tons from Madagascar, with about seventy men, all old privateers. They told me they were short of water and that I must go with them to Cape Comorin and bring them water. Accordingly we sailed across the bay, and when we came in sight of the Cape they took the best of the cargo and rigging out of the Satisfaction and sank her. They then obtained water, fowls and provisions from the natives of Cape Comorin. On the 7th or 8th February they weighed and stood after three sail of Portuguese, hoisted French colours, and so induced two of them to stay until the Mocha and her consort were almost within range. They took one of them, very richly laden, with at least 100lb. weight of gold and 2,300 pieces of silk, besides great store of provisions. They punished the prisoners cruelly to make them reveal if they had more in the ship. They put all their lascar prisoners into a passing ship, and about the 14th or 15th they captured a large Moor's ship and a Moor's advice-pink, which last they took in tow. They were now leaving the coast for fear of the Dutch fleet, and sailed for the Maldivas, where they burned several villages, but after a time got a pilot and sailed for the King's Island, where they sent the King presents to the value of £100, but were not allowed to land or to trade. They therefore sailed for two other islands, where they procured oil for cleaning their ships, and there they lay about six weeks before they were ready to sail. Owing to a quarrel the Mocha sailed alone, with about 65 men besides blacks, leaving the Maldives about the last day of April for Quiloan, to take in arrack. A storm drove them to the Laccadives, and then they resolved for the Niccombar Islands, to take in water. They sent some boats ashore to plunder provisions, and about the 20th May sailed for Acheen. On the 30th they took a Portuguese ship with a cargo worth 40,000 dollars, but while they were plundering the captain went ashore to look for water, and was killed by the natives with seven out of ten men with him. Robert Coliver was then made captain, but I was importuned by them every day to take them through the Straits, for now their pilot, the late captain, was dead. Several times they pointed

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pistols at me and threatened to maroon me, and this continued till the end of June, when they sighted an English ship. "Hell was never in greater confusion than was then aboard;" some were for hoisting French colours, some for fighting, some for running away. Coliver resigned his charge owing to the confusion, but at last they resolved to fight the English ship and Coliver resumed command. They then hailed her and were defied, and after three or four broadsides the pirates were disheartened and refused to fight more, but sheered off, while the English ship went on her course. The pirates lost two men killed. Three days later they anchored in Polla Varero and took in wood and water, and decided not to go through the straits that year but to make for the Niccombars to careen. They took several brigantines coming from Batavia with arrack, and at the end of August they took this ship, which I, under God, have brought in. They forced me to conduct them to Negrais and put me on board this ship for the purpose, promising that I should have her when they had done with her. We arrived at Negrais about the middle of August, and then took another ship, and on the 22nd of December set me at liberty. *Here follows a list of the crew of the Mocha, and the narrative continues.* Most of these men were of Every's crew. By Baldrige's advice they were able to surprise and seize a New York ship at Port Delphine, but it was said that the captain, Glover, had orders from his owners to dispose of her to pirates, and that the Governor of Barbados owned half of her. My opinion is that piracy has been encouraged by the Governments in New England. All kinds of stores for the pirates are sent to St. Mary's from New England, New York and Rhode Island. 15 pp. *Endorsed, Read 10 Aug., 1698. [Board of Trade. Plantations General, 4. Nos. 123, 123 L-VIII.; and (without enclosures) 34. p. 314.]*

Aug. 4.
Antigua.

724. Lieutenant-Governor Norton to Council of Trade and Plantations. On my arrival yesterday I met with the news of Governor Codrington's death, and upon what you told me I presumed that the Government devolved upon me. I find, however, from his instructions that it passes first to Lieutenant-General Thomas Hill and after that upon the Council of Nevis. I find therefore that I do not command, though no one except Lieutenant-Governor Delavall holds his commission direct from the King besides myself. It seems, too, to be the intent of the instructions that the Governor of St. Christophers should first take place, as the ancient and mother island, and that the command devolved on Lieutenant-Governor Hill for that reason. I beg therefore for your instructions herein. *Signed, James Norton. 1 p. Endorsed, Recd. 15, Read 19 Oct., 1698. [Board of Trade. Leeward Islands, 5. No. 109; and 45. p. 300.]*

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Aug. 4.
Whitehall.

725. William Popple to the Attorney and Solicitor-General. Forwarding copy of the Address of the Council of Massachusetts (*see* No. 677 1.) with an extract from the Colony's Charter as to appeals, for their report. What creates difficulty for the Council of Trade in the matter is the improbability that it was ever intended, when the Charter was drawn, to exclude the King from having a remedy against the Courts of the Province in case of an unjust determination in respect of the Customs or revenue, which would infallibly be the consequence if no appeals were allowed in these matters under the value of £300. Many small vessels and cargoes are not really of that value, and it may be easy for illegal traders so to order their affairs that no single seizure shall amount to that sum. [*Board of Trade.* New England, 37. pp. 21-22.]

Aug. 5.
Whitehall.

726. Mr. Yard to William Popple. Forwarding certain papers from Maryland and a letter from Governor Goddard (*see* No. 647) which have been received by the Duke of Shrewsbury. $\frac{1}{2}$ p. *Endorsed*, Recd. Read 5 Aug., 1698. [*Board of Trade.* Bermuda, 3. No. 30.]

Aug. 5.

727. Minutes of Council of Antigua. A letter from the President of Nevis read, confirming the Government of Antigua as it had been left by Governor Codrington. Order for a writ of error to be signed by the Deputy-Governor notwithstanding that he is Chief Justice. [*Board of Trade.* Leeward Islands, 64. pp. 266-268.]

Aug. 5.

728. Minutes of Council of New York. The Lieutenant-Governor reported that he had heard from Lord Bellomont, who approved of clearing the ship lying at New York from Amboy, on security being given, as prepared by Governor Basse. [*Board of Trade.* New York, 72. pp. 126-127.]

Aug. 6.
Virginia.

729. Edmund Jenings to Council of Trade and Plantations. Forwarding duplicates of the Minutes of Council from 7 March, 1697, to 1 June, 1698, and further minutes to the 20th of August. *Signed*, E. Jenings. $\frac{1}{4}$ p. *Endorsed*, Recd. Read 13 March, 1698-9. [*Board of Trade.* Virginia, 6. No. 58.]

Aug. 7.

730. Minutes of Council of Maryland. Report being made that Robert Mason was in good health, it was ordered that he and Philip Clarke be brought before the Council as soon as possible. Orders as to distribution of arms. [*Board of Trade.* Maryland, 13. pp. 580-581.]

Aug. 8.

731. Minutes of Council of Massachusetts. Order for a commission for trial of a woman for murdering her bastard child. Order for payment of £20 to Thomas Weld, minister at Dunstable, and of £24 to Isaac Addington for fees due to him. [*Board of Trade.* New England, 49. pp. 167-168.]

Aug. 8.

732. Minutes of Council of Nevis. Letter from the Admiralty read, announcing the coming of H.M.S. Queenborough, and giving directions for the despatch of H.M. ships Norwich and Sun, prize, with the homeward-bound convoy. Proclamation continuing all officers in the Leeward Islands in their places. [*Board of Trade.* Leeward Islands, 64. pp. 473-474.]

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Aug. 8.
East India
House.

733. Secretary of the East India Company to William Popple. In reply to yours of the 5th I send copies of the depositions of Michael Alderson and Benjamin Franks. Captain Warren has told us that he would attend the Council of Trade to obtain a warrant for bringing them ashore in safe-custody. *Signed, Ro. Blackborne. ½ p. Endorsed, Reed. 4th, Read 5th Aug., 1698 (sic). Enclosed,*

733. i. Deposition of Benjamin Franks. I lived for some years in Barbados and Jamaica, trading in several parts of the West Indies, and latterly losing £12,000 through the earthquake and enemies. I then went to New York, where I met Captain Kidd, who had come out with a full power (which he showed me) to the East Indies to take pirates. I resolved to go with him and to remain there wherever I could follow my profession of jeweller. We sailed from New York on 6 September, 1696, in company with a Bermuda brigantine, bound to Madeira. There we met a Barbados brigantine and furnished her with some rigging and canvas which she required. A day or two afterwards we spied a ship which we came up with after three days' chase, and found to be a Portuguese ship from Brazil to Madeira. Captain Kidd exchanged presents with the captain. From Madeira we went to Bonavista and took in salt, thence to St. Jago and took in water and provisions, and then steered for the Cape of Good Hope. Before we reached those latitudes we met three English men-of-war and a fire-ship under Captain Warren, who told me that Kidd's commission was good and that he could not molest him. Kidd promised to spare the Commodore twenty or thirty men, and a day or two after he went on board one of the men-of-war, and returning much disguised in drink left the squadron without furnishing the men. We did not put in at the Cape but held straight on for Madagascar, and took in water and provisions at a place called Talleer. While we were there a Barbados sloop came in, which followed us the whole way to Johanna and on to Mohilla, though Captain Kidd told them several times to begone, and back to Johanna. Thence we sailed for India and touched at a place called Motta, where the natives refused us water, whereupon the Captain sent two armed boats ashore, which brought off provisions and six natives, for two of whom he demanded and obtained two cows and two sheep ransom. The other four escaped. From thence we went to the Babs and anchored to wait for pirates, but (as I was told, for I was very ill at the time) none came. But in August seventeen sail came in and Captain Kidd weighed and stood among them. Next morning one of the fleet began to fire at us, whereupon they all did the like and our Captain answered, but at last perceiving English and Dutch colours did all that he could to get away. Off St. John's he met a small vessel under English colours,

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chased and plundered her. He afterwards put into Carwar, where I gave him a beaver to let me go ashore. Most of his men seemed dissatisfied and anxious to escape. Sworn at Bombay, 10 October, 1697. $3\frac{1}{2}$ pp.

733. II, Deposition of Nicholas Alderson. I shipped myself with Captain Kidd as a mariner. He told me that he was going to Madagascar as a privateer to put down the pirates, and that if he found them not there he would proceed to India and the Red Sea to look for them. *Here follows a confirmation of the narrative of the voyage, as given in preceding abstract up to the time of the Adventure's reaching the Babs.* We lay a month or five weeks to wait for the pirates, and at last the Guzerat fleet came out from Mocha, when the Captain weighed and, without acquainting any man of his design, fell in the midst of them that night, but did nothing. Next morning there was little wind and the fleet began to fire at us, and Captain Kidd seeing English colours immediately got out oars. The breeze sprang up and the man-of-war (for such she was) chased us. We escaped her and made for the highlands of St. Johns, I suppose to pick up stragglers from the fleet, and then chased and plundered a ship under English colours. The people were tortured to make them confess where the money was, and the master was carried off to act as pilot. At Carwar I and eight more, finding ourselves to be on board a pirate, made our escape. Sworn at Bombay, 19 October, 1697. $2\frac{1}{2}$ pp. *Endorsed*, Recd. 8th. Read 9th Aug., 1698. [*Board of Trade*. Plantations General, 4. Nos. 124, 124I. II.]

- Aug. 8. **734.** Journal of Council of Trade and Plantations. Order for a letter to Mr. Lowndes asking for payment of the salaries of this Commission up to Ladyday last.

Captain Warren gave information as to certain difficulties in bringing two of Captain Kidd's men before the Board, and added intelligence as to an action recently fought between two pirate ships and H.M.S. Adventure off the Isle of May.

- Aug. 9. Captain Warren brought in one John Blacon, who gave information as to the pirate-settlement at Madagascar and the ships that resorted thither from New York. Order for one Dann, lately Every's mate but pardoned, to attend the Board to-morrow. Mr. Blackborne's letter of 8th inst. with two depositions (No. 733) received and read.

Representation covering Colonel Blakiston's draft commission signed and sent to the Privy Council.

- Aug. 10. Consideration of Mr. Walrond's papers begun, but deferred until the Board can speak with him to-morrow.

The papers sent by Mr. Blackborne on the 4th concerning pirates read. Order for enquiry to be made of Lord Bellomont and the Governor of Barbados as to what is become of Captain Baldrige. Governor Goddard's letter of 7 July read, and order given that in

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the next letter to him enquiry be made as to Daniel Smith and the fitting out of Tew's vessel in Bermuda, also as to the Americans kept in Bermuda as slaves.
- Aug. 11. Mr. Walrond's letter of yesterday, enclosing several papers, read (No. 741). Mr. Walrond attending was told that in attesting the general truth of his papers he had sworn to things which he could not possibly know, and was directed to make affidavit only to such matters of fact as he could attest of his own knowledge.
The Bishop of London's letter of 9th inst. as to the instructions for the Governor of Virginia received (No. 737).
John Dann, seaman, gave information as to his voyage with Every in the Fancy, from Corunna to the Guinea coast, where they took ships with forty pound weight of gold-dust, thence round the Cape to Madagascar, where they victualled, thence to the Babs of the Red Sea, where they took a large ship, thence to Rajapore on the Malabar coast, thence to Mascareen, where they put fifty of their men ashore, thence to the Bahamas, where they paid 2,500 pieces of eight to Governor Trott, and dispersed. Every brought home £2,000; Dann and others £500 or £600 apiece. He thought the Straits of Malacca a better place to ply for booty than the mouth of the Red Sea. Mr. Yard's letter of 9th inst. as to the appointment of Commissioners for Captain Warren's expedition was read (No. 735), and the Board gave directions for an addition to the heads of instructions prepared for them.
- Aug. 12. On a request of Mr. Yard for information concerning pirates, a copy of the Journal of the Board for the 9th inst. was sent to him. Order for copy of John Blacon's deposition (No. 743) to be sent to Lord Bellomont. [*Board of Trade. Journal, 11. pp. 167-180.*]
- Aug. 9.
Whitehall 735. Mr. Yard to Council of Trade and Plantations. The King has resolved that Commissioners shall be appointed to accompany the squadron designed for suppressing the pirates in the East Indies, to take an account of the money and other effects that shall be seized from them. The Lords Justices desire that you will draw up a draft of instructions and powers for them. Signed, R. Yard. $\frac{1}{4}$ p. Endorsed, Recd. Read, 11 Aug., 1698. [*Board of Trade. Plantations General 4, No. 125; and 34, p. 316.*]
- Aug. 9.
Whitehall. 736. Council of Trade and Plantations to the Lords Justices of England. We lay before you a draft commission prepared for Nathaniel Blakiston. Ascertaining from Sir Charles Hedges that in his opinion the clause, empowering Governors to commission captains to execute martial law on board ship, is not safe nor advisable in its old shape, we have added after the words "law-martial" the words "according to the directions prescribed in an Act of 13 Car. II. for the establishing of articles for the better government of the King's Navy. Signed, Ph. Meadows, John Pollexfen, John Locke, Abr. Hill. [*Board of Trade. Maryland, 9. pp. 203-204.*]
- Aug. 9.
Fulham. 737. The Bishop of London to Sir Philip Meadows. Lord Bridgewater the other day showed me the heads of some instructions prepared for the Governor of Virginia in relation to church affairs. For this I thank you and the Council, but I must observe

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that unless you order something more particularly as to collating benefices I fear you will have no fruit of your instruction. You know that a collation to a benefice is when the Patron and Ordinary are one, as when a bishop is patron in his own diocese. Thus the King as Supreme Ordinary, where a benefice is in his gift, commands the bishop as his minister to give institution, and in that case may be said to collate. But when any private person or corporation is patron, the King is no otherwise concerned than to put in a clerk by his Royal Jurisdiction, in case the patron present not within a limited term. Now in Virginia I cannot at present come to see the law in that particular, but the practice there has been for the vestry of each parish to choose their own minister and present him to the Governor, before he could put him in. The abuse hereupon has been that the parishes often take a minister upon trial and never present him whereby he may have a legal title to his dues, and so they use him as they please, allow him what they think fit, and thus make his place so precarious that it discourages men of ingenuity to come among them. For remedy to this I propose, allowing that their law gave them a right of presentation, that by virtue of the King's supreme ecclesiastical jurisdiction, as in other parts of the kingdom, the Governor then should in his right upon lapse immediately collate to the place, though by virtue of the jurisdiction conferred on me by the King I might challenge the lapse after the first six months and the King even after. I offer also that my Commissary may continue to be of the Council. It gives him more consideration among those people, who are too apt upon the smallest occasions to contemn his slender authority. He is a discreet man, and will, I am sure, give no offence, but do what good he can. However, I must submit to your better judgments, if my entreaty may not prevail, for I shall not contend with so considerable a body. *Signed, H. London. Copy. 1½ pp. Endorsed, Communicated to the Board by Sir P. Meadows. Recd. Read, 11 Aug., 1698. [Board of Trade. Virginia, 6. No. 59.]*

Aug. 9. **738.** Journal of Assembly of Barbados. Bill to ascertain the rights and powers of the Assembly passed, and sent to the Council, where it was passed and received the Governor's assent. Bill for printing the laws to empower the Assembly to establish Agents, concerning General Sessions, and to settle £500 a year on the Governor, passed. Order for payment of £250 to the Governor to furnish his cellar with liquors. Addresses passed for payment of the salary to the keeper of the magazine and for payments to William Rawlins for printing the laws. The above bills and addresses were then brought up to the Council. Committee appointed to inquire and report as to the Naval Officers' fees. [*Board of Trade. Barbados, 65. pp. 303-305.*]

Aug. 9. **739.** Minutes of Council of Barbados. A Judge of Common Pleas sworn. Two letters from Captain Cutter of H.M.S. Bonaventure and Captain Bowles of H.M.S. Sheerness read, asking for money to buy provisions for their voyage home. They were ordered to bring in an account of their complement of men in time

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of peace and a computation of their allowance at six [rations] to four [men] for three months. Letter to Captain Colsea of H.M.S. Speedwell to attend with the depositions against certain of his men. He attended accordingly, and the depositions were handed to the law-officers for their opinion. The Governor and Council took the oaths as judges in equity. The Assembly brought up a bill to ascertain their rights and powers, which was thrice read and passed. Mr. Heberlands's accounts passed and payment ordered. Orders as to sundry petitions for payments. The Assembly asked for a new writ for the election of a new member in place of Thomas Merrick, and presented an address for payment of £300 to Mr. Rawlins for printing the laws, and of £200 to the Governor, also Acts to allow the Governor £500 in lieu of a house, and an Act for printing the laws.

Aug. 10. Edward Lascelles and Charles Thomas gave Captains Cutter and Bowles credit for £800, on their promising to indemnify them if the sum be demanded by the Lords of the Treasury. [*Board of Trade*. Barbados, 65. pp. 363-365.]

Aug. 10. **740.** Minutes of Council of Maryland. Colonel Lowe reported that Philip Clarke was ready to lie down, whereupon he received permission not to bring him before Council if unfit to appear. Circular to the sheriffs as to procuring birds for the King. Copy of a letter written to Sir Edmund Andros on 15 December, 1696, with depositions against John Cooke for blasphemy and other documents, also of the Governor's letter to Sir E. Andros of 19 Feb., 1697, and subsequent letters, with Sir Edmund's reply of 13 July, 1698. [*Board of Trade*. Maryland, 13. pp. 581-601.]

Aug. 10.
Islington.

741. Edward Walrond to Council of Trade and Plantations. I enclose papers received from Mr. Lucas, by which you may perceive the fatal consequences of sending Governor Codrington copies of the papers laid before you by him and me. The precedent will, I fear, discourage the bringing of information against Governors to the Council of Trade. I myself have suffered thereby, but others who have no concern in the plantations agree that nothing can be more destructive to them than the usage of transmitting complaints unless the complaining persons be first secured against arbitrary power. Governor Codrington has reached to that pitch of injustice that if all the ill practices of the Governors of the West Indies since their first settlement were summed up together, they would not be tantamount to his in number and quality. I hope that in your good time you will check these exorbitances by representing them to the King. *Signed*, Edward Walrond. 1 p. *Endorsed*, Reed. 10th. Read 11th Aug., 1698. *Enclosed*,

741. 1. John Lucas to Edward Walrond. Antigua, 23 June, 1698. Since my last I have been presented in two indictments at Sessions. The Grand Jury threw out the bill. They now proceed by way of information, Perrie my accuser, nothing filed until the court is called, Palmer the counsel. See the papers enclosed. Unless speedily relieved I must be destroyed. My wife and children being terrified I sent for two of my sons, believing that they might be safer with me in prison

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than at home. One of them died, which was a great grief and sorrow. God has sent us a very sickly time, a raging malignant fever which none have yet escaped. The Governor has lost his son John, a hopeful young gentleman; I am sorry for it. They ground their information upon no statute. I want counsel, so fear shall perish. Your brother-in-law is very ill and distracted, poor honest gentleman. You are the only gentleman that knows me that I depend on. If you procure an order, take care that it be delivered by a safe hand, for fear of breaking open letters. Take care of Mr. Blake, a dangerous man. *Signed*, John Lucas. *Postscript*, 25 June. Yesterday Sessions were held. The minister Slade took his oath against me and did his utmost. The jury found me guilty and the Court fined me £100, with imprisonment till paid, and after payment I am to be bound over till next Sessions, which hinders my coming home. All persons they could imagine were my friends were summoned as evidences, a good precedent to discover their actions. If a Commission comes to examine witnesses, most of what is contained in my writing will be made out. If there be any command for me to come home, send it by a safe hand. The Governor is suing me at Falmouth Court for £5,000 damages, so I must remain a close prisoner. Nothing but ruin threatens unless you succeed. Observe how cruelly I have been used, and £5,000 bail demanded when the Court thought the King was demnified but £100, and bail for £500 had been given before. So stands the case. *Signed*, John Lucas. 2 pp.

741. II., III. Returns of the Grand Jury, throwing out two indictments against John Lucas. *Copy*. $\frac{1}{2}$ p.

741. IV. Information against John Lucas on the letter signed John Johns Sonn. $2\frac{1}{2}$ large pages. [*Board of Trade*. Leeward Islands, 5. Nos. 110, 110 I.-IV.]

Aug. 11. **742.** Mr. Yard to William Popple. The Lords Justices, Whitehall. hearing that fresh information has been received about the pirates at Madagascar, desire to have an account thereof against their meeting to-morrow morning. *Signed*, R. Yard. $\frac{1}{4}$ p. *Endorsed*, Reed. Read 12 Aug., 1698. [*Board of Trade*. Plantations General, 4. No. 126; and 34. p. 317.]

[Aug. 12.] **743.** Deposition of John Blacon. In July, 1696, while sailing in one of the East India Company's ships, I was put ashore at Madagascar for provisions, and, the ships being forced to sea by stress of weather, was left behind until July, 1697, when I embarked on board the New England ship Swift, Captain Knott. She had taken in negro-slaves and East India goods. She sailed to Mascareen, where she traded with the French and natives in East India goods for a fortnight, and then, being alarmed by the arrival of another ship, returned to Madagascar. *Copy*. $1\frac{1}{2}$ pp.

1698. *Endorsed*, Recd. 12 Aug., 1698. Original sent to Lord Bellomont in letter of 25 Oct., 1698. [*Board of Trade*. Plantations General, 4. No. 127.]
- Aug. 12. **744.** Memorandum of a deposition of John Blacon as to illicit trading of Captain Knott of the *Swift*, brigantine. Recd. 12 Aug., 1698. The original sent to Lord Bellomont, 25 October, 1698. $\frac{1}{2}$ p. [*Board of Trade*. New England, 9. No. 94.]
- Aug. 12. **745.** Minutes of Council of Massachusetts. Order for the Province galley to be placed at the disposal of the Purveyors of Naval Stores on their agreeing for payment and victualling of the captain and crew. Order for payment of £74 to the gaol-keeper of Boston for custody of French and Indian prisoners. [*Board of Trade*. New England, 49. p. 168.]
- Aug. 12. **746.** Minutes of Council and Assembly of Antigua. The Council sent down the letter from the Council of Nevis as to the succession to the Government of Antigua. The Assembly sent up a letter to the Council of Trade on the subject for the Council's concurrence, but on the Council's dissent declared that they would send it from themselves alone. [*Board of Trade*. Leeward Islands, 64. pp. 269-270.]
- Aug. 12. **747.** The Assembly of Antigua to Council of Trade and Plantations. We, assembled together on the 12th of August on the occasion of Governor Codrington's death, represent as follows. The Governors of the Leeward Islands successively have taken up their abode in some one of the islands and resided there for the most part several years without visiting the other islands. Thus the whole burden and care of Government, except in the island where they resided, have been borne by the Governors of the several islands, who, having no allowance from the King, may be in future (if not already) obliged to think of indirect means to get from the inhabitants wherewith to maintain a suitable port. Thereby the people are unjustly oppressed, while the Governor-in-Chief, though performing the duty only of a private Governor in one island, receives so great an allowance from the King, and is so vastly advanced beyond the level of others, that his power and wealth may encourage him to tyranny, no person being able to stand against so great riches and authority in any complaint, though never so just. If any one island should be unanimous in complaint (as the place of his residence may oftenest have cause) a General Assembly and Council is called, consisting of but three persons from each Assembly and two from each Council, by means of which the Governor can form a party of three islands to condemn the reasonable complaints of a fourth, the respective Governors seeming under a necessity to join his interests, that their indirect methods of obtaining support may more readily be winked at. The disparity of the numbers of members for each island appointed to serve in the General Council and Assembly is very great, for in no island does it exceed seven, whereas the number of representatives fixed by law for this island is twenty-one, and in the other islands few less. We represent to you the unreasonableness of this inequality in the hope that the King will think five

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members from each island a fit number to make a General Assembly, which even then will scarcely come up to the proportion of two in seven of the several Councils. We earnestly recommend this, not only because a small number is more easily influenced, but because the people should have the disposal of the moneys which they have voted, which, with authority vested in so small a number, is (we think) that they do not possess, especially since any three of them joining together can bind their fellow subjects by an Act of General Assembly. It would also conduce to the good of the Crown and people if a company of the King's soldiers were appointed for St. Christopher, and another for Antigua, £300 *per annum* for the Governor of Nevis, £200 for the Governor of Montserrat, and £200 more to whichever of them the King shall appoint to be Commander-in-Chief in time of war. Thus every Governor would have a handsome allowance from the King and would be dependent on him, and would have no excuse for oppressing the people. They would thus also be more easily informed against for any extra judicial actions, and the King would be no more in advance thereby than has hitherto been paid yearly to a single General. Each Governor being thus independent, the islands would be freed from the trouble and expense of sending their laws up to the Governor-in-Chief for assent, and from the expense and inconvenience of travelling and of absence to seek redress of injuries from the Governors-in-Chief, who have seldom been known to discountenance their private Governors (except occasionally by some slender check) no ways thereby rectifying the abuse or relieving the subject. As to appeals to England, every private Governor should have power to admit thereof, and the islands should only be united for common defence in time of war, being wholly independent in the civil jurisdiction. It seems natural to the circumstances of the places, separated as they are by the ocean, to be as much separate in Government as their security and defence will permit. If you think those proposals unreasonable, we would offer that when the King sees fit to change his Generals he should not commissionate two successive persons of the same family, because, while all Generals, being men, are subject to human frailty, a change of persons will probably relieve those who were under the power of the former Governor; and thus the hardships of Government are in some measure allayed by the vicissitudes of the whole of the people. But successive Governors of the same family, by discountenancing always the same people, drive them from the island. A triennial change (as has lately been appointed for Barbados) would in great measure prevent this.

As to Antigua itself it is undoubtedly best fitted for the residence of the Governor-in-Chief, and we represent it as such, not from any design against the interest of any other island, but for the good of the whole. First, it is nearly twice as large as any other island and will contain more people. Secondly, it surpasses the rest in trade and production; it is the most exposed to danger from its many bays and inlets; it is by its situation to windward liable to be first invaded, and if taken affords most advantage to the enemy, as he can fall down at pleasure upon the rest of the islands. Thirdly, by its situation to windward it is most able to offend its

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neighbour enemies (being able to fetch the French islands on a tack) and can come to the assistance of any of the sister islands in twelve hours, whereas we can expect little help from them to leeward, as was seen during the last war. Fourthly, its harbours are so convenient that the King's ships can ride land-locked and can careen, which they cannot in any other of the islands; and for this reason there is more small craft fit for the King's service in Antigua than in any of the Leeward Islands. We think therefore that Antigua should be appointed as the residence for the Governor-in-Chief and that the King's ships should be placed under his command. The only inconvenience which we can see in the disuniting of the Leeward Islands for civil affairs is the great trouble to you by the increase of correspondence; but we hope that the better information given to you will be compensation for this. The small islands should be under the charge of the larger, Anguilla being placed under Nevis, as Barbuda already is under Antigua. *Signed*, Geo. Gamble, Speaker. $3\frac{1}{2}$ pp. *Endorsed*, Delivered by Mr. Lucas to the Earl of Bridgewater. Recd. Read 29 Dec., 1698. Read again, 25 April, 1699. *A short abstract is attached.* [*Board of Trade.* Leeward Islands, 5. No. 111; and 45. pp. 306-318.]

Aug. 15.

748. Minutes of Council of Massachusetts. Letter from Lord Bellomont read, as to constraining the Eastern Indians to peace by means of the Skachkook Indians. Order for a letter to him relating to the continued hostility and treachery of the Eastern Indians, notwithstanding their submission to the Crown of England in 1693. [*Board of Trade.* New England, 49. p. 169.]

Aug. 15.

749. Minutes of Council of New York. The Governor communicated to the Council his transactions with the Indians, the addresses of Albany and Senectady as to forts, also several petitions from inhabitants of those towns for money owed them by the Government. Upon examination of their petitions, payment was ordered. The Governor then informed the Council of the haughty letter which he had received from Count de Frontenac, of the hostilities committed by French Indians, of the letter which he had sent in reply to Count de Frontenac, and of the instructions which he had left behind him at Albany. The Council gratefully acknowledged the Governor's good service in the conferences with the Indians. He further laid before the Council the muster-rolls of the companies at Albany and the transactions consequent on the murder of two men at Hatfield, and reported his order for repair of the barracks at Senectady, which was approved by the Council. A Committee was appointed to examine depending accounts and Mr. Livingston's demand for money on account of the late expedition to Albany.

Aug. 16.

Order for appointment of an overseer for the works in the fort. The Mayor and constables of New York were called in and sharply reprimanded for their mismanagement of a press of seamen for H.M.S. Fowey. Order for payment for firewood at Albany, and for a new contract to be made for the same. William Shaw continued as excise-searcher at Albany, being an old man and an object of charity. A difference between the late farmers of the

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excise settled. Ordered that the rum used by officers at Albany be freed from excise.

Aug. 17.

The Governor reported to the Council that an express had come from Albany, with news that Count de Frontenac refused to give up the Indian prisoners unless the Four Nations treated with him for peace, and threatened the Nations with war if they refused to make a separate peace with him. The Indian messengers were then called in, and the Governor told them that he had ordered the Lieutenant-Governor and his company to Albany to succour the Indians, and desired them to send out scouts towards Cadaraqui for intelligence. The messengers said that it was hard that there should be peace and the Indians get no benefit from it; whereupon the Governor answered that he was sending the troops, not to make war, but to enforce for the Indians the protection of the peace. The messenger then said that the different nations were separated from each other by large rivers, and that if they were not protected they must make peace. The Governor answered that if the French came upon them in force they must send their women and children to Albany, and that he would then march to Canada and avenge them. He also assured them of the constant protection of the King of England, and urged them not to be cozened by the French, for their words were only threats to frighten the Five Nations into breaking with the English. It was then ordered that the Indian messengers be provided with clothing, that Major Wessels proceed at once with an interpreter to meet the Indians at Onandaga, and that a messenger be sent immediately with a letter to the Governor of Canada. [*Board of Trade.* New York, 72. pp. 127-132.]

Aug. 15.

750. Deposition of Edward Walrond. Setting forth at length the facts already brought forward as to the trial of Captain Robert Arthur, and as to the summoning of himself before Council at the instance of Laurence Crabb. *Signed*, Edward Walrond. 3 pp. *Endorsed*, *Reed.* Read 15 Aug., 1698. [*Board of Trade.* Leeward Islands, 5. No. 112.]

Aug. 15.

751. Journal of Council of Trade and Plantations. Mr. Walrond's deposition of this day read (*preceding abstract*), and orders given as to further proceedings.

Draft instructions to Colonel Blakiston considered, and orders given to Sir Thomas Laurence to attend thereupon.

Aug. 16.

Captain Warren announcing that there was a pirate in London, who was prepared to serve under him in the expedition if pardoned, was directed to lay the matter before a Secretary of State.

Sir Thomas Laurence attending gave an account of Maryland. There are eleven counties, in each of which for the most part a Councillor resides, but the county being cut by Chesapeake Bay it is often difficult to get a quorum on any occasional summons. The salaries of Assembly-men are 140*lbs.* of tobacco a day during session, and of Councillors 150*lbs.* of tobacco, but the Assembly-men who live near Annapolis have nothing. Lord Baltimore lets out land at the rate of eight shillings per hundred acres, payable in tobacco at twopence the pound, which, not being worth the money, reduces the nominal eight shillings to about

1698. three shillings and sixpence. The King's revenue consists of one shilling per hogshead duty on tobacco exported, worth about £1,500 a year, of which three-fourths is allowed for the Governor's salary, and one-fourth for arms and ammunition. Fines and forfeitures are worth from £100 to £150 a year. The Assembly had made two presents to Governor Copley and one to Governor Nicholson, but they allowed them both something to make up their salary, though by a temporary Act only. Colonel Blakiston's instructions were then further considered.
- Aug. 17. Colonel Blakiston's instructions considered. Public papers of the Leeward Islands received.
- Aug. 18. The same instructions considered. The instructions for Virginia completed, and a representation ordered to be drawn thereupon.
- Aug. 19. Mr. Cary gave information as to the trials of Mr. Lucas and Captain Bugdon, and was directed to put the same into writing. Colonel Blakiston's instructions further considered. [*Board of Trade. Journal, 11. pp. 181-187.*]
- Aug. 16. **752.** Minutes of Council of Barbados. George Lillington sworn of the Council. Several petitions for payments granted. Addresses from the Assembly for payment of £200 to supply the Governor's cellar and for payment of the store-keeper's salary. Act to allow the Governor £500 in lieu of a house read thrice and passed; Act for printing the laws ordered a second reading in three weeks; Act concerning General Sessions read once and ordered a second reading. [*Board of Trade. Barbados, 65. pp. 366-367.*]
- Aug. 16. **753.** Journal of Assembly of Barbados. Leave given to bring in a private bill for docking the entail of John Mead's estate. Bill concerning Grand Sessions sent up to Council. [*Board of Trade. Barbados, 65. p. 307.*]
- Aug. 16. **754.** Minutes of Council and Assembly of Nevis. The Council answered a question of the Assembly as to its authority, which it believed to be sufficient to enable the Assembly to proceed with the public business. [*Board of Trade. Leeward Islands, 64. pp. 474-475.*]
- Aug. 17. **755.** Memorandum of receipt of a list of vessels cleared at New York Custom-house for Curaçoa from 25 March to 17 August, 1698. Recd. 31 Oct., 1698. $\frac{1}{4}$ p. [*Board of Trade. New York, 7. No. 91.*]
- Aug. 17. **756.** Report of Sir Thomas Laurence on the proposed new Councillors for Maryland. Robert Quarry is an honest gentleman, but engaged in the service of Pennsylvania. Henry Lowe is a gentleman of good sense and fortune; he married a relation of Lord Baltimore, who is a strict papist. John Hammond is an elderly man, grave and serious, of a good estate, has been one of the Provincial Justices and lives within three miles of Annapolis. Thomas Tasker is a planter and merchant of good substance and esteem; he lives twenty miles from Annapolis on this side the Patuxent. Francis Jenkins is a man of the best sense and estate, in Somerset County, who has borne all offices there. Dr. Bray has taken great care in the choice of near twenty ministers

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sent out within the last three years and in procuring sixteen parochial libraries, for which he is out of purse between two and three hundred pounds. Richard Hill is very sensible and of good estate; he lives at Annapolis. Robert Smith has been Speaker of the House of Burgesses and for the last two years has been Chief Justice of the Provincial Court; he lives in Talbottown. William Hatton lives in Charles County, is reputed an honest man and of good substance. William Frisby lives in Kent County, a person of good repute, and brother to James Frisby of the Council. Edward Dorsey lives near Annapolis and builds houses there. Those who have had dealings with him say his honesty oftener fails him than his wit. *In the handwriting of Sir Thomas Laurence.* 1 p. [*Board of Trade.* Maryland, 3. No. 51; and 9. pp. 204-205.]

Aug. 17. **757.** Minutes of Council of Bermuda. Samuel Day took the oaths as Governor and signed the Association; after which the Council was sworn.

Aug. 18. Thomas Harford and Michael Burrowes were sworn of the Council. Order for the Sheriff to bring up Mr. Samuel Trott and show cause why he is detained in custody.

Aug. 19. Nicholas Trott sworn Attorney-General.

Aug. 20. Order for Isaac Richier to be set at liberty on his giving security to prosecute his appeal and abide by the decision of the King in Council. [*Board of Trade.* Bermuda, 39. pp. 1-2.]

Aug. 18. **758.** Minutes of Council of Virginia. Draft Act for Ports presented, and consideration postponed to a fuller Council. The Committee for revision of the laws were ordered to report in writing why they had made no progress therein. The question of an Agent was again deferred till a fuller Council. The letter from the Council of Trade recommending the passing of an Act against pirates was read; and it was agreed to summon an Assembly for 28 September next. A letter from Governor Nicholson of 2 June was read, respecting John Coode, on which it was resolved that nothing further was to be done.

Aug. 19. Order for the Court of Northumberland County to furnish a report respecting the ship Johanna. The book of claims was referred to Mr. Auditor Byrd. Order for restitution of a seized ship. [*Board of Trade.* Virginia, 53. pp. 130-133.]

Aug. 19. **759.** Mr. Yard to William Popple. Forwarding an address of vindication from the General Assembly of Pennsylvania to be laid before the Council of Trade. *Signed,* R. Yard. $\frac{1}{4}$ p. *Enclosed,*

759. I. Address of the General Assembly of Pennsylvania to the King. We congratulate your Majesty on the conclusion of peace. We desire to vindicate ourselves against certain accusations. First as to Scotch and Dutch trade, we have not been privy thereto, and we find that our Magistrates and Justices have always been zealous to enforce the strict laws which we have made against illegal trade. It is alleged that ships have laden tobacco here and not delivered it in England. We cannot answer this so satisfactorily as we could wish,

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because our opponent Randolph has command of the bonds and takes them from one province to another; but we find on enquiry that the ship *Trial* sailed direct to London under two different masters, and was bound thither on a third voyage when she was taken by the French. Benjamin Roberts went directly to London; Thomas Manley was bound for Plymouth when taken by the French; William Righton unloaded his tobacco in Scotland by permission; Matthew Estis unloaded in Liverpool; Peter Trelawny was lost in the French territory of Newfoundland and carried to France. Matthew Dehart gave a security named Henricus Vandenburg for the ship *Unity*, which bond being delivered to Randolph to be sued, Randolph took (as we understand) twenty pieces of eight from Vandenburg to prosecute Dehart, but being charged with that and other misdemeanours in Maryland he fled from justice, as a copy of his letter enclosed will shew. As for the rest, we cannot understand but that they gave bonds here or in England. As to a ship alleged to have come here direct from Denmark with European goods, we find that she was taken by a Frenchman, restored by order of the King of Sweden, and sent back to this river under the command of the same master, who being a West Jersey man made for that side, where we suspect that he sought an opportunity of putting his goods ashore, for the Collector returned from on board her drunk, and the Governor was obliged to send the sheriff to seize her. She was afterwards condemned; see the copy of the record annexed.

As to pirates we knew of none that have been entertained here except Clinton, Lassells and some others supposed to be of Every's crew, who happening to sojourn here, as they did in some of the neighbouring Colonies, were apprehended on suspicion of being pirates, and bound over to the sessions; but, as soon as the Lords Justices' order against pirates was received, they were apprehended and confined in Philadelphia County Gaol from which they made their escape to New York, where they were at first arrested and then released without trial. See the document annexed. As for pirates or pirates' ships we know of none that ever came or were harboured here, much less were encouraged by the Government and people, who are sober and industrious and have never advanced their fortunes by piracy or illegal trade. As for the persons who came here as travellers about seven years ago and were supposed to be pirates, though they settled and claimed the liberties of English subjects among us, they were encouraged thereto by Edward Randolph, who gave expectation of pardon to some of them, as his enclosed letters show. This, with the countenance that

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they received from Colonel Fletcher, gave them further encouragement to continue among us, though we can sincerely say that their settling here was a great grief to many. However, some of them are gone, others are dead, and the rest shall be arrested as soon as facts appear to require such procedure or the King shall order it. Randolph continues to inveigh and seek occasion against this Government, and therefore puts himself and the rest of the King's officers here upon methods which will render most of the people here incapable to trade, by debarring Quakers from the privilege which they enjoy in England of registering their vessels without oath. See his letter annexed. He also carries himself abusive to the Governor and endeavours to render him and his Acts contemptible here and elsewhere. See his further letters, annexed. He commenced an action against one Duplouys [? Deplovoy] upon a Plantation bond, and another against one of his late deputies. Requiring the Attorney-General's assistance herein he objected to David Lloyd, as unqualified for want of being sworn, and pitched upon John Moore, who, being sent for before the Governor and Council to be qualified as Attorney-General, refused, because Randolph required him to prosecute in cases where he conceived that he had no power to act. But before the action came to trial Randolph made it up with Duplouys, and promised him to get his bond discharged. See his letter annexed. We beg your Majesty to take all this into your favourable consideration. We do not design to extenuate our own faults by incriminating others; but if in anything we have erred, we throw ourselves on your clemency. *Signed* by eleven of the Council and nineteen of the members of Assembly. *At the foot*, A few lines addressed by Governor Markham to the King, stating that the foregoing is the result of a Grand Committee appointed to enquire into the matters in question, and that the enclosures are true copies. *Signed*, John Markham. *The whole*, 4 pp.

759. II. Copy of a letter from Edward Randolph. Accomack, 29 April, 1698. When I received your letter of 14th, I was in custody of the Sheriff of Somerset, but thank God, I fell into the hands of an honest constable, who has kept me at his house, where I shall remain till I hear from Sir Edmund Andros. I think that he will not abandon me to the fury of my enemies, whose accusation is composed of malice and revenge. I throw myself on the Righteous Judge, and shall make my complaint to England by the first safe ship. Please send me the names of the two vessels seized by Mr. Lillington and acquitted by the country, with full particulars. I was told that Donaldson, the Scotchman, was a chief instrument in opposing Lillington's powers, and that the master of one of the

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vessels was a man whom I had the orders of the Commissioners of Customs to seize and condemn. Let me have full copies of the trials. I was coming to arrest him, had I not been stopped. But it will turn out to my advantage, for I am known in England to be very different from what Colonel Copley has represented me to be, and that is the place to try such high crimes as that of which I am accused, and to which I doubt not that they would have found some idle persons to swear. Another charge against me is of bribery—that I received 20 pieces of eight from Vandenburg to prosecute Dehart, the principal in a bond of £1,000. I had an attested copy of a paper showing for what purpose I received this money, but cannot find it. Please search for it among the papers in your house, or obtain another copy well attested. I find that Mr. Markham has been a very busy man. If Governor Copley gives out any speeches to disparage me in my office, get proof of it for me to use at Whitehall. Be sure that you obtain copies of the trials of the two ships. I have a charge of £1,400 against Mr. Blakiston, which makes him drive so furiously. I forgot to tell you that I am also charged with taking 50 pieces-of-eight to let a ship go to sea. It is absolutely false. George Layfield was a main man in prosecuting me. He will not be collector much longer. *1½ pp.*

Another letter. 4 May. Repeating his injunctions to his correspondent to obtain him copies of the paper respecting his receiving twenty pieces-of-eight; and authorising him to prosecute Vandenburg if he thinks fit. *¼ p.*

759. III. Record of the trial and condemnation of the Pennsylvania, merchant ship. 25 February, 1695-6. *1½ pp.*

759. IV. Governor Markham's warrant for the arrest of Robert Clinton, Edmund Lassells, and Peter Clausen on suspicion of piracy. 16 June, 1697.

The sheriff's endorsement of the warrant, reporting the escape of the three men aforesaid from gaol, and the failure of his attempt to recapture them. *Copies.* *1 p.*

759. V. Governor Markham's warrant for pursuit of the said escaped prisoners. 17 June, 1697.

John Claypoole's certificate that the said prisoners were apprehended at New York, and released without trial. *Copies.* *1 p.*

759. VI. Further documents as to the committal of Clinton and Lassells to Philadelphia gaol, and their escape therefrom. 19 June, 1697. *Copies.* *1 p.*

759. VII. Copy of a letter from Edward Randolph to William Clark. Pocomoke, 5 Nov., 1692. After discourse with Peter Lewis, I find that he is entitled to the King's pardon. He mentioned some others. Discourse them

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and see if they be serious. The pardon will cost about £200; and the more joiners, the cheaper it will be. I have several pardons of King James's time ready signed, but I shall do nothing till I have new authority from the King. $\frac{1}{2}$ p.

759. viii. Copy of a further letter from Edward Randolph to William Clark. 7 November, 1696. There is news of great victories in Flanders and at Brest. I have sent from Boston several printed pardons which I had power to grant to privateers in King James's time. I shall send for the like by the first opportunity. $\frac{1}{2}$ p.

759. ix. Copy of a letter from Edward Randolph to Mr. Bewley. Douterbrocks, 21 April, 1698. I have considered the reason why Puckle did not swear for registering his sloop. He thought that you, being a stranger, would accept his attestations as a Quaker instead of the oath enjoined by law. If you admit him or any other Quaker to register his vessel without laying his hand on the Bible and kissing it you are inexcusable, for you have a copy of their law and proviso which directs you to do it. I will certainly suspend your office. Take it as you please. $\frac{1}{2}$ p.

759. x. Copy of letter from John Lawrence to Governor Markham. New York, 29 April, 1698. I have accidentally come to know that depositions have been taken against you here from Mr. Snead, Mr. Webb and Mr. Lewis for not obeying the proclamation for arrest of Every's men. Randolph of course encourages such pickthanks. He has called you rogue and rascal publicly before many here, and will do you all the injury that he can at home. $\frac{1}{2}$ p.

759. xi. Copy of a letter from Daniel Honan to Governor Markham. May, [date lost]. I lately heard Mr. Randolph use railing words against you for conniving at breaches of the Acts of Trade, and at the escape of Every's men from gaol. I told him that I had seen a hue and cry in pursuit of them, but he said that this was only a cloak from villainy. He has a deposition from one Webb as to your discharging a ship guilty of a breach of the Acts of Trade. One Robert Snead, who was a house-carpenter in Jamaica, has also given in depositions against you. 1 p.

759. xii. Copy of a letter from Edward Randolph to John Deploy. 13 May, 1698. A certificate has been obtained that the George of Boston was driven into Lough Swilly by stress of weather. I am sending an attested copy to the Commissioners of Customs to cause your bond to be discharged. No doubt this will be done; and you are now at liberty. $\frac{1}{2}$ p.

The whole endorsed, Recd. 20, Read 23 Aug., 1698. [Board of Trade. Proprieties, 2. Nos. 26, 261.-xii.; and (covering letter and enclosure No. 1. only), 25. pp. 214-223.]

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Aug. 20.
Port
Annapolis,
Maryland.

760. Governor Nicholson to Council of Trade and Plantations. I hope that all the documents sent by Sir Thomas Laurence have reached you. I beg your pardon that the journals and public papers sent herewith are not written on such paper, for it only arrived in time for the last journal of Council. I observe your orders as to letters in future, and have communicated it to the public officers. I have sent to England for ten reams of the selected paper. I should have sent the journals earlier, but that Mr. Henry Denton died before he could form those of the Council and Council in Assembly. I found great difficulty in completing them from his minutes, but I hope they are now as truly done as if he had been living. Another difficulty is the scarcity of good clerks, by which I am almost forced (as the proverb says) to make bricks without straw. I have moved Mr. William Bladen, whom I have found the most capable in all respects, from Clerk of the House of Delegates to Clerk of Council, and that is why he now signs both Journals. I enclose a list of them and of the laws made in March last. I have at last received the duplicate of your letter of 2 September last. The copy on board H.M.S. Swift was, I hear, broken open, read by some people in North Carolina, and afterwards burnt. No doubt you have a full account of the Swift; I enclose a copy of Captain Bostock's letter about her. I beg you to send another ship with all expedition, for besides looking after illegal traders and pirates here and in Pennsylvania, such a force will be an awe to any who design insurrection or disturbance, and will be one way of preventing seamen running away and being mutinous and refractory on board their ships, by changing or punishing them (I have had several complaints of these things; and enclose copy of a petition of masters of ships to me and my proclamation thereon). But so long as runaway seamen are harboured in Pennsylvania, it will be impossible wholly to remedy these two evils, because the seamen can so easily get there both from Virginia and Maryland. A man-of-war would be of value also to assist ships that have sprung a leak, or whose crew may be sick of a seasoning (*sic*). If any of these accidents happen to a ship she is in danger of losing her voyage or at least of being much retarded. I have observed that if a ship can but get clear of the Capes they will venture with a few hands; and others, though they be sickly of the seasoning, will venture too rather than stay, being apprehensive that they should not recover if they stay in the country. They are in hopes that being at sea and change of air recover them, which I think it doth; for maybe great fears and hopes operate very much upon such sort of people in point of health. Pray send me the King's letter of 22 April, 1697, as to execution of the Acts of Trade, for there was no duplicate of it with your letter.

As to Governor Copley's debt to the country, I have ordered the Attorney-General to take proceedings to recover it from his administrators. I send an abstract, taken from the Journals of Council, concerning the arms and ammunition which I found here and those which I have sent for. The Collectors, Naval Officers and Receivers were all sworn to their accounts before me, that the full sum might be ascertained and expended in the purchase of arms

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and ammunition according to the Royal instructions. The first account was sent by Captain Peter Paggan, merchant, and the last by one Isaac Milner, by Paggan's order. They are to send in ammunition by the next shipping, and for fear there should be any want of them I sent my own bills for £250, though I had not received above half that sum on account of the duty of the three-pence *per* hogshead. I send copies of Orders in Council concerning the militia, which I think does not deserve the name, for I find it impossible to have any tolerable one as the Act now is, but I intend to try the Assembly once more for a new Act. The reason why I have not given particular commissions is that I cannot find men enough qualified by loyalty, courage and diligence to be officers. Those who are obliged by law to be either horse, foot or dragoons, and to have arms and ammunition of their own, cannot amongst them all equip a twentieth part. Four hundred men were ordered to be drawn out of the militia last fall, on account of Indians, and to be in readiness upon all extraordinary occasions, but I have not yet heard that they are completed in all respects. I do not think it will be for the King's service at present to alter my method concerning the militia, lest, if they have particular commissions from me, they should use that power to the King's prejudice; for I think some have endeavoured to raise a rebellion, or at least have made very great disturbances. The account of this will be seen in several depositions in the last journal of the Council. Some think Lord Baltimore will have his government again and others hope so. These things have happened here from the first announcement of peace. For some were very willing that the King should deliver them from popery and slavery and protect them in time of war, but now that by the King's valour and conduct all these troubles and fears are ceased, they are not satisfied with his government because it curbs in their former atheistical, loose and vicious way of living and debars them of their darling illegal trade. The papists join with them, as do also all the Jacks, both jurors and non-jurors, but think themselves may be esteemed such sort of Jemmys, and I suppose some of the Quakers too. If Lord Baltimore should be restored, they hope that as formerly these things would be suffered. For I suppose that Lord Baltimore must comply with the Jesuits in point of religion, who no doubt will take more vigorous resolutions and put them in action for the promotion of their damnable tenets. I believe that Lord Baltimore will consider that the best, if not the only way to promote his temporal interest here will be not to disturb them in their illegal trade or other ill practices lest, if they cannot enjoy them under his Government, they may assume it to themselves, which will be no difficult thing for them to do unless the King protect his Lordship. But whether it be advisable for the King to do so or not you can best judge; and I imagine that Lord Baltimore will not be against their being easy (as they call it) so long as the several branches of his revenue increase and are well paid. I fancy the dissatisfied people here mean to try whether by their own and their accomplices' ways they cannot get Lord Baltimore his Government again, and I think they might either be Governors themselves or have such a one as they might rule. I have observed that

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people in these parts are very much for having a native for Governor, and a great many of them are pretenders to the office. You can judge whether this will be for the interest of the King and of English trade. But I think there are odds on nature's side that they will much rather act to the contrary. I am almost morally assured that when the King announces that he will keep the Government, there will be an end of these disturbances. Meanwhile I hope that, as in the past, I shall be able to preserve the King's Government against all enemies public and private. Without vanity and with a good deal of truth I affirm that I have had a very troublesome and chargeable Government in every respect. I look upon nothing that I have done as other than my duty; I am sorry that I have been unable to do more, but it is not from want of a willing heart.

By Sir Thomas Laurence I sent you as exact an account as I could then of the receipts and expenditure of public money. Pray pardon me that you had them not, nor so complete, before, for I have few proper and useful tools to work with. I have not only to give orders to sundry officers but to see them execute them, and it may be give them directions therein; and I hope that no other Governor is in the like unhappy circumstances. I enclose fuller accounts from George Plater and George Muschamp than those previously transmitted. The several sums in the accounts which were paid to me are repayments in several small sums for a few bills of exchange; and though I was out of my money some time, I received no interest for it—rather some trouble and expense. Since I have been here I have received no present of tobacco or money from the country, and they have only allowed me £96 10s. 0d. for house-rent. Moreover, during the three years and a half that I have been here, the country has saved the charge of a Council Chamber, the Council always meeting at my house. The Governor of Virginia has £150 for house-rent, and the country pays £25 a year rent for a Council Chamber. I hope that the peace has made an end of assisting New York; but if Lord Bellomont calls upon me, your orders therein shall be obeyed. I have not yet been able to fulfil your orders as to laying down the boundary between Maryland and Pennsylvania, for King James's Order in Council was not with your duplicate nor in Mr. Penn's letter to Colonel Markham. I suppose they underwent the fiery trial in North Carolina [*that is*, were burned with the packets carried by H.M.S. Swift]. I have heard that Lord Baltimore was tricked by Mr. Penn about the Order in Council, for according to Lord Baltimore's patent the bounds of Maryland are beyond that line. Whether you will examine further into the affair is not for me to dispute. I enclose copies of several papers received from Colonel Robert Quarry, also of one from Mr. Moore and of my own commission for appointing Judge, Advocate, Marshal and Registrar in Maryland, Pennsylvania and West Jersey. But I think that the Court of Admiralty, which the King has ordered to be established in Pennsylvania, will be of no use, if the Act which was lately passed there is to be of any force. I send a copy of it, with some queries attached to it, also the report of the law-officers upon the last query, and the opinions of some of the Council and Justices thereupon.

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The form of the said law (if it deserve the name) seems to me somewhat extraordinary, for I do not find that it is enacted by anybody, nor words to that effect; but there is great pretence of securing the King's interest, especially in the matter of tobacco, which I am glad to see they own, as also that there may be such a thing as illegal trade in the province. By the wording of the instrument, too, it seems to me that no law made in England should be of force in Pennsylvania, even though the Plantations are named in such law, unless they gave a function to it by way of caution to their spiritualistic brethren. Perhaps they are of opinion that because they have pretended to add new penalties to the Acts of Trade their doing so may be as the grass to hide their snake; "but I think it is one with rattles, by which he is easily discovered and then as easily destroyed." I have observed that a great many people in these Colonies, especially in those under proprietors and in Connecticut and Rhode Island, think that no law of England ought to bind them without their own consent; for they foolishly say that they have no representative sent from themselves to the Parliament in England, and they look upon all laws made in England, that put any restraint upon them, as great hardships. I shall endeavour to get all the laws, ordinances and proclamations of Pennsylvania and West Jersey to send to you, but I fear it will be difficult to obtain them if they know they are for strangers; for Mr. Penn writes that Mr. Moore's and Captain Snead's corresponding with me is villainous in them and not well in me. All my public correspondence with them has been concerning illegal trade, pirates, etc., and I think it my duty to continue it until I have your commands to the contrary. And I mean to keep copies of them, because I think I ought to have them, since the King has empowered me, upon vacancies, to appoint a judge, and to see whether any of these things concern the King's interest in general and this province in particular. If this Pennsylvanian law be in force, it would be an example for the other Proprietary Governments to follow; and upon the like occasions they may enact others, repugnant to the laws of England. And I humbly beg leave to make this proposition—that all Governors in this part of the world, whether commissioned by the King or by proprietors, or elected, as in Connecticut and Rhode Island, be obliged to give security for due performance of the trust reposed in them, and in particular for due observance of the oaths required of them by the late Act for preventing frauds; that they take no rewards directly or indirectly from pirates and privateers and that they neither encourage, harbour, nor protect them, but will, by all lawful means, do their utmost to apprehend and secure them, and that they be obliged to take an oath to this effect under the same penalties as the Acts of Trade have provided, in case the Governor refuse to take the oath or break it afterwards. For it may so happen that some Governors get more by illegal trade, pirates and privateers than their Governments are worth, or, as the saying is, make their fortunes at once when they see such ways and means. When the Assembly meets I shall lay before them your letter of 21 March last, also the Act for restraining pirates, and shall do my utmost to pass such an Act here.

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I am sorry that you should have so just cause to write of the confusion of the laws in this province. I assure you that I have several times proposed to the Delegates to appoint proper persons to revise them, but this they would not do. I suppose they had the change of Government in their heads, and thought that this would cost money of which they would get none. They once appointed a committee to do something towards revision in the interval of Assembly, but it never met, and if it had, it would not have done much, for we have no men qualified for such an undertaking. Still, in obedience to your orders, I have employed three of the best clerks I could get, who are now copying out (on the paper sent by you) all the laws passed in Governor Copley's time and my own, and I hope to have the body of laws finished in a month, for I attend them daily. I have also for the last two years refused to revive these temporary laws which were enacted before; but at first I found it absolutely necessary for the King's service to revive some of them, so I hope you will pardon me if what I have done herein should not at present be agreeable to your orders. All your commands in future shall be punctually obeyed. I sent to you by Sir Thomas Laurence the original list of taxables, divided into freemen, servants and negroes, with their religions; but finding them to be very imperfect I have given orders for new returns of these, of men employed in places of public trust, and of the number of ships and seafaring men. But they have never been used to such returns, and the officers are mostly very negligent or incapable; and this is why I have not yet been able to send them to you. I hope the Commissioners of Customs will do something in the Assembly's address for remission of forfeits in Navigation Bonds, and then no doubt, as you write, you will take all care of it when it comes before you. I am sending the Commissioners copies of the Pennsylvanian Act and of Colonel Quarry's letters, for he told me that they had ordered him to give an account about the Admiralty, etc. I shall do my best to redress the evil of people taking up larger tracts of land than they can cultivate; but, the soil in this province being Lord Baltimore's, I have no power from the King concerning it. I shall, however, lay the matter before the Assembly and endeavour to redress the grievance by some Act or ordinance. In "Virginy" I think it may easily be done for the future. When I was Lieutenant-Governor there I found among Lord Effingham's instructions a clause dealing with the subject and directing certain grants, in certain circumstances, to be voided. This instruction I caused to be recorded in the Provincial Court (where all petitions for land must be made) and refused patents to those whom I found not qualified to take up land according to it. If any have taken up land contrary to the tenor of this instruction (as is undoubtedly the case of most of the great tracts in Virginia) might not the Attorney-General prosecute them? But I would suggest that the Attorney and Solicitor-General in England should give their opinion hereon, for, alas! few or none of those that practice as lawyers in these parts know anything of the matter. When I was in Virginia I heard that it was a common practice for persons who would take up land according to the conditions of plantations (*viz.*, fifty acres

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for every person imported) to buy rights, as they called them, from the Clerk of the Secretary's office. Sometimes the Clerk purchased them of those who were really imported, other times he would set down persons' names of his own inventing, and sometimes those, who brought names to register on account of the fifty acres, would do so too. I think a person was once found out through pretending to register the names of the chief gentlemen in Kent, the Clerk being either of that county or remembering their names. No doubt several such cheats have passed undiscovered, and the names of those who have been really imported have been used several times. Another way to make those who hold great tracts of land quit hold of them will be to oblige the Auditor, with or without help, to find out the exact number of acres that every person holds and make those who have paid for less than they have, pay up their arrears. This they ought to do by law, and then no doubt some of them would be forced to quit some of their lands and the King's revenue from quit-rents would be augmented. The Auditor has $7\frac{1}{2}$ per cent. for taking an account for the sheriffs, and the sheriffs have 10 per cent. for receiving the quit-rents in tobacco; and the Auditor sells the tobacco afterwards for ready money or good bills of exchange. When I was in Virginia I found that the quit-rents were sold privately and most of them bought by the Councillors, but in my last year I gave notice at the Provincial Court that whoever gave most for them might have them. They sold that year for more in the hundred than they did before, and I suppose will always do so when so exposed to sale, for I found that this method gave great satisfaction, even as the other did the contrary.

When I send you the book of laws now preparing, I shall endeavour to send also the draft of one for a general pardon, and shall follow your instructions as to the two women guilty of murder, but I hear that one of the two is escaped from custody. Since you are unwilling to propose the establishment of any new place, such as that of Solicitor-General here, I shall endeavour to make Mr. William Dent some other satisfaction for his great services in that station. For he has had a very troublesome time of it, and no doubt has lost very considerably by his practice; and I dare affirm that, had he not been employed for the King, the King's affairs would have suffered much not only for want of him but from his being on the other side. Before next month be out I expect to have from every county an account of the persons who have died of this last distemper. I compute the number roughly at from eight hundred to a thousand; but now, thank God, the distemper is quite over. There have been imported this summer 396 negroes from Guinea, 50 from Virginia, and 20 from Pennsylvania which came thither from Barbados. By the middle of next month I hope to know certainly the number of servants imported, which may be six or seven hundred, chiefly Irish. If next year, or within two or three years, the like number of inhabitants should die and as many Irish and negroes be imported (especially the first, who are most if not all papists) it may be of dangerous consequence to Maryland, and also to Virginia, which, I hear, is in the same circumstances. They might make great disturbances if not a rebellion, because these are very open countries and they may have easy communication

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with one another near the falls of Potomac. And in each province they might do it the easier since it is the common practice for them on Saturday nights and Sundays, and on two or three days at Christmas, Easter and Whitsuntide, to go and see one another even at thirty or forty miles distance. I have several times, both here and in Virginia, met negroes both single or six and seven together in the night time. Most of the negroes speak English and most people have them for domestic servants; the better sort may have six or seven in these circumstances, and there may be not above one English. They send the negro men and boys about the country where they have business, and negroes commonly wait on them to all public places, so that the negroes then learn all the public and private roads of the country and circumstances. The Irish servants have more privileges, and I don't know but they may confederate with the negroes; and in the summer they may keep out in the woods about the frontiers, which are very thinly inhabited, but are overrun by a great many people's stocks of cattle and hogs, which would supply them with victuals. There are also many swamps in those parts which they might fortify; and it would be very difficult and dangerous to force them out. If such things should happen, even the subduing of them would be a great charge and loss to the country in general and to their masters in particular. I have put the Delegates in mind of these things and shall do so again, in order to obtain a law to prevent negroes and servants from rambling abroad.

It is supposed that there will be left both in Virginia and Maryland goods enough to purchase and ships to carry away half the next crop of tobacco. There have been very great rains of late which will probably drown some quantity of the tobacco, particularly in the low lands (which form half of the eastern shore), as also spoil some of the ripe and forward; but the greater part of it is latter tobacco, so that unless there be favourable weather for above a month the crops here will be indifferent. By all accounts all the provinces on this continent have also been overstocked with ships and goods from England, so that in some places goods are sold for less than they cost them in England. Both here and in Virginia English goods are very cheap and tobacco pretty dear, and ships go at very low freight; so I need not urge my former request for a quantity of ships and goods. Pardon me for observing that Mr. Penn's chief insinuating reason "that the 10 *per cent.* laid on goods here "hindered the importation of English goods into Penn-sylvania," now appears (like some of his others) to be none at all. As to his saying that it is a partial law, I hope that the enclosed copy of an Act and of a minute thereon will satisfy you to the contrary. The Act for the ten *per cent.* expires next May. On enquiry I find that the English West Indies are also over-stocked with ships and goods, and indeed that the English are supposed to have over-stocked their markets wherever they trade. If this be so, my countrymen may not have played the politic part, yet they have showed how rich they are; and I hope that it will be publicly noticed, especially in France, that after so long, bloody and expensive a war and the loss of so many ships, they have been able to furnish all parts with more ships and

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goods than enough. In some sort I think the trade of this year in respect of the war may be compared to the great fire of London, and with the sudden building of it much finer than before. In reading one of the monthly Mercuries I was very sorry to find that both from east and west France they were designing to send great settlements to the Mississippi [Maschasipi]. Having lately read Hennepin's travels into those parts I find that if they settle that river, that and the river of Canada will encompass all the English dominions here. If they should get all the Indians on their side or have force enough to beat or overawe those that will not join them, they may be very troublesome to all our frontier plantations. I had an account from some Chaovenon Indians (whose country lies to south-west of South Carolina) and from a Frenchman who came with them and was with M. Lasalle the journey when he was killed, that the French had some settlements west-southerly, not above two hundred miles from the falls of Potomac. I got one of the chief Indians to chalk out the way to those settlements, to the Mississippi, and down to the Bay of Mexico. I had one who with the help of the Frenchman made a small rude draught with the pen, which I find in some sort agrees with Hennepin's maps; and I found on page 250 of his book that he had a description of a hundred leagues of country from an Indian, which he had found to be very exact. I fear that, now that there is peace, the French will be able to damage these countries more than in war. If they cannot be prevented from settling in the Mississippi, I suggest that encouragement may be given to the inhabitants of these countries or to any in England, so that they may be able to furnish the inland Indians with goods in such quantity and so cheap that they may take the trade from the French or prevent their increasing it, and may make settlements among the Indians, as the French do, and build vessels upon their lakes.

By the latter end of next month I suppose that all the ships which load this year's tobacco will be sailed, and the various officers will be able to make up their accounts for transmission to you by one of the last ships. In the Journal of the Council (the place is marked F) are copies of letters sent by myself and Council to Sir E. Andros about Coode, Slye, Mason and Clark, and other documents. If such persons as these be suffered to live in a neighbouring province, especially one under the King's immediate government, even when desired to be sent back to another province for trial, it will be a great encouragement to mutinous and rebellious fellows. The Proprietors and elective Governments will doubtless use this as a precedent upon the like occasions, for it will be an extraordinary thing when these provinces are without such sort of persons as Coode, who, I think, is a diminutive Ferguson in point of government, and a Hobbist or worse in point of religion. Slye is a mimic Goodman for amours, but cannot get himself out of debt. Mason is a great pretender to honesty, but has cheated and oppressed most that he has had opportunity to treat so. Clark is a mighty pretender to law, especially to Magna Charta, for he was one of the great incendiaries in the House of Delegates, especially about the last Act for Religion, for he drew it and would insert that clause about the liberties and properties of

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the subject, though he knew the former Act had been disallowed for containing such a clause. From working at the hoe he presumed to take upon him the noble profession of the law, and in his pleading he is very confident, impudent and "balling." I have an account that he is not honest to his clients. I beg that, if these or other such persons should accuse me to you, they may be obliged to sign their charges and give security, for Coode and Slye owe more than they are worth, especially Slye, who with much shirking keeps out of jail. Mason and Clark have very inconsiderable estates. Thus, when I have cleared myself, which I hope to do, I may have my remedy at law against them. It is one of Coode's principles "Fling a great deal of dirt and some will stick," and no doubt they agree with him herein. I do not pretend to be infallible nor to be wise at all times, for all men err and have faults, yet I dare affirm to you that my faults are of the understanding, not of the will. Several times I have not been able to get three of the Council together, so finding it to be absolutely necessary, I have called up Major John Hammond who lives within three miles of this place, Captain Richard Hill who lives just by the town, and sometimes Mr. Thomas Tasker who lives about thirty miles away. Without appointing these gentlemen I must either have left the King's business undone for want of three Councillors or must have done it with the assistance of one or two Councillors only. I ask your pardon for it. *Signed, Fr. Nicholson. P.S.—Pray send me a good number of printed proclamations for forbidding the King's subjects to take service with foreign princes. 20 large pp. Endorsed, Recd. 10 Nov. Read 18 Nov., 1698. Entered in Board of Trade. Maryland, 9. pp. 318-361.*

760. I. List of Acts and Journals transmitted by Governor Nicholson with the foregoing letter. 1 p. *Endorsed, Recd. 10 Nov., 1698.*

760. II. List of other papers also sent with the foregoing letter. 1 p. *Endorsed as No. I.*

760. III. Copy of a letter from Captain Bostock, R.N., to Governor Nicholson. Jamestown, Virginia, 28 June, 1698. I am sorry to hear that my letters of January and February last have not reached you acquainting you of my arrival here, and of the accident that happened to my ship, together with the circumstances which induced me to stop at Point Comfort. As soon as I had ascertained where she was driven on shore in North Carolina, the damage she had suffered and the burning of your papers by those barbarous people, I desired your assistance for getting her off. I hope that you will not impute this miscarriage to my neglect, for at all times I have informed you of my proceedings and I have used every effort to get the ship off, but without the success that I hoped for. I had not the assistance that might have been procured, and the Government of Carolina protested their inability, though not so good as their promise at first. I have therefore been unable to get the ship off, but, her hull being whole, I have saved whatever I

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could of her furniture and stores and brought them to Virginia, where I shall place them in the Governor's hand as a proof of the service that I have done. I wish I could have done more, but have given all over and discharged my men, and am preparing to sail to England in a few days. I wish Providence had ordered things other ways. I thought myself happy in the proceedings of my voyage and had hoped to be of service to you, but this being ended I retire home. I should be glad to have waited on you, but my misfortunes hinder; the season for shipping will be over shortly, and it is of importance to me to get home. $1\frac{1}{4}$ pp. *Endorsed*, Recd. 10 Nov. Read 22 Nov., 1698.

760. iv. Address of several masters of vessels to Governor Nicholson. In answer to your enquiry how the desertion of seamen may be prevented, we suggest a law imposing a severe penalty on all that entertain runaways and that a reward of fifty shillings be offered to any persons that will secure them, the reward being stopped out of the seamen's wages; and that meanwhile you issue a proclamation offering such a reward, which we will undertake to pay. The runaway sailors generally resort to Pennsylvania, where they are not only winked at but encouraged; while the privateers that resort to that Government are a temptation to them to go thither. *Twenty-seven signatures.*

Proclamation of Governor Nicholson forbidding the entertainment of deserted seamen, laying down regulations to prevent it, and enjoining strict execution thereof on the magistrates. *The whole, 2 large pp. Endorsed as No. iii.*

760. v. Extracts from several letters from Robert Quarry to Governor Nicholson.

Philadelphia, 9 July, 1698. Now as to Admiralty matters. You recommended to me the execution of the powers of my commission. As soon as I came here I found that Mr. Randolph had brought a commission for one Mr. Radney to be Registrar of Admiralty. He lives in Kent County, a hundred miles from hence. He also brought a commission for Mr. Robert Webb to be Marshal, who is not at present in the province, so that at this rate it is impossible for the King's business to be done. But the Advocate, the most essential officer of the Court, is in England, and, as I am informed, never designs to come to these parts of the world. I have spoken to Mr. John Moore, who is the only fit person to serve the King's interest here, and I find him very willing, notwithstanding all the difficulties of fees, provided the Commissioners of Customs will find some way to answer the charge and trouble of it. See his letter enclosed. I am sure that you will find some means of removing these difficulties, so that the current of justice may go on. There are four businesses

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depending which cannot be determined until the Court of Admiralty is settled, but how or when that can be done I know not. For besides all these obstructions there is one far greater, which nothing but the King's authority can remove. I mean their late Act of Assembly, which has removed the obligation of an oath in all matters relating to the Acts of Trade, etc., though in a former law they had made a proviso for it which is by this law repealed. They have further enacted that when any bill, plaint or information shall be exhibited or commenced against any person in any Court to be held in this province for breach or non-observance of the Acts of Trade and Navigation in any case whatsoever, the manner of trial shall be according to course of Common Law and known practice of the Courts of Record in Pennsylvania, by twelve jurymen summoned by the Sheriff of the County where the offence is committed. By this Act my Commission of Admiralty is quite destroyed, for I cannot allow trial by jury, nor by this law can they suffer the Court to try without a jury; so that my hands are tied until the Government at home gives me power and instructions. I will give you no particulars, but if you peruse the Act you will find that all this and more is done under the specious pretence of serving the King's interest. No doubt, if you will state the case fully to the Council of Trade and the Commissioners of Customs, effectual measures will be taken to preserve the King's right and prevent all illegal trade in this place. If they give me power and instructions to act, I am sure that I have power enough to assert the King's authority in opposition to their pernicious Act and all others that they shall make. The King's affairs here require a speedy decision. I must remind you that no man is so well qualified to act as Advocate as Mr. John Moore, and it would be good service to recommend him to the Commissioners of Customs. 2 pp. *Encloses,*

John Moore to Governor Nicholson. Philadelphia, 1 July, 1698. My best thanks for offering to me the commission of Advocate in Pennsylvania and territories and West Jersey, but it is my duty to lay before you the difficulties that will beset the assertion of such a power. First, there is the general averseness of the people to any officer who is not of their own stamp and set. The whole Government (so far as it is in their disposal) is made up of men who have no better qualification than that; and to secure it to themselves they have by a law of their own dispensed with the security of an oath; and from the judges to the jury and so to the meanest officer, even in capital crimes, a solemn promise to perform their trust is sufficient. Should they answer that they made a proviso for taking an oath where the Acts of Trade were concerned, it is

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answered that they did so, but as soon as they found themselves involved therein and pinched by it they for a valuable consideration (as their Act shows) procure a revocation of that clause and set themselves free again. Against such people so guarded, what service can I or any other do the King here? Secondly, as to the state of the Admiralty Court. Foreseeing that they would not be able to mould things there to their own humours (the trust being lodged in Colonel Quarry), they have with much assurance (the boldest stroke they have yet made) passed an Act entitled an Act to prevent frauds, etc. (a specious preamble), containing a clause that all trials upon the Acts of Trade shall be tried by a jury summoned by the Sheriff. This flies in the face of the Admiralty jurisdiction and, in terms, is repugnant to the recent Act for preventing frauds as well as to others. The Act of Parliament aforesaid expressly provides that seizures or forfeitures may be tried and recovered in the Court of Admiralty, and the care taken by the Commissioners of Customs to get officers established for that Court in America inclines me to believe that the King's interest will be safer and more impartially decided there than in the other Courts. By this time any man would believe that these people are resolved to do what is good in their own eyes, notwithstanding Acts of Parliament, Great Seals, etc. I could also point out to you that the Advocate's office has neither salary, fees nor perquisites attached to it (and little likelihood to get any here); but he that engages in such difficulties needs the countenance and protection of Government and wherewithal to support such a post. Indeed (though the argument ill becomes me) if some person, who can be trusted, be not appointed and encouraged, all the expense which the King has been at will be ineffectual, and his officers worn down and browbeaten. Pray state the matter to the Commissioners of Customs that a competency may be settled to support the burden and charge—for who goes to war (and such it is) at his own expense?—or that some office, such as the collectorship of this port, be annexed to the post. I need not add to you how the Advocate's business will interfere with my practice, since upon all seizures the defendants are lavish in fees, their all being not seldom at stake. If a salary can be obtained I will cheerfully accept the post, and study to promote the trust committed to me.

2 pp.

Robert Quarry to Governor Nicholson. Philadelphia, 9 July, 1698. Since my last a sloop has come in from New York belonging to one Mr. Moorhead, a Scotchman, with about £1,000 worth of East India goods belonging to the pirates from Madagascar. The Collector having advice of it seized her when she came to Newcastle and

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took out of her five barrels of rich goods. What bargain or composition he made for the rest I know not. Having done so, he admits the sloop to entry and gives the merchant a certificate and cocquet, and after all this wrote to the Collector of Philadelphia to seize her, which he did, and then asked my advice. I told him that he should seal the hatches, take the sails ashore, and put an officer on board, which he has done. I never knew such roguery and folly. There is a sad clamour in the town that the last seizure was illegal, since the sloop was admitted to entry and had her certificate. I know not what to do, the matter being none of my business till it comes before me judicially, nor can I hold a court without the officers. I would try the force of their late pernicious Act. I had a few lines from Mr. Randolph at New York, to whom I had written to come here, though he tells me he is just going to Carolina. I hope that he will come on this occasion and then we shall come to some decision. I am the subject of the clamour, which of course I value not. If you have any books of precedents or practice of Courts of Admiralty kindly lend them to me. 1 p.

Copy of Letters Patent to the Governor of Maryland empowering him to appoint officers of the Courts of Admiralty in Maryland, Pennsylvania and West Jersey. 26 June, 1697. 1½ pp.

Robert Quarry to Governor Nicholson. Philadelphia, 21 July, 1698. I daily expect your summons to Annapolis that I may give you an account of things here. The King's interest was never so much abused as now, not only by those in the Government but by the very persons who are salaried and employed by it. The story, put shortly, is this. One Collector of Newcastle takes all the goods which he seized out of the Scotch sloop to be his own, and accordingly, as I am informed, has embezzled and disposed of them. I design to be there next Friday, to obtain certain information for you. The week after the Government had passed their pernicious Act for preventing frauds, etc., some of the chief persons of the Government, who made the Act and all of the Council, shipped a considerable quantity of tobacco without entry, duty paid or security given. It was shipped off in a vessel for Newfoundland, and I learn that Mr. Shippey is the person chiefly concerned; but I hope to gather more particulars before I see you. It is very uneasy to me that I am not in a post which enables me to check these abuses. Mr. Randolph is in New York, and I asked him to come here, but he tells me that he must go to Bermuda. Mr. Jasper Yeats, who has a great honour for you and was the first that gave me a hint of the Newfoundland ship, desired me to inform you that there is a sloop gone round to Annapolis laden with wine, rum

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and other goods, the greatest part on his own account. She is Maryland built and therefore by Maryland law pays less duty on rum than a foreign built ship. He begs that the officers may not exact more duty than the law directs. 1 p.

Edward Randolph to the Governor of Pennsylvania. Philadelphia, 30 July, 1698. Some time since I left certain bonds with Colonel Quarry, and have his receipt for them. He is ready to produce them when you appoint an Attorney-General to prosecute them to effect, and will put them into your hands when you are approved as Governor by the King, according to the Act for preventing frauds. When they are prosecuted I desire that the bond of Gustavus Hamilton, who loaded tobacco in Pennsylvania two or three years ago, may be prosecuted likewise. $\frac{1}{2}$ p.

Robert Quarry to Governor Nicholson. Philadelphia, 6 August, 1698. I shall assert the power of my commission in opposition to all their pernicious laws and law-makers as soon as ever I can get the officers of the Court settled, and some advice and instructions from you. I hope to attend you at the end of the month. Mr. Randolph was here last week, but is returned to New York. He was very barbarously treated here by Governor Markham, apprehended by constables and kept in custody, for no other reason that I could find but sending him the letter that precedes this. I had some warm discourse with him on the subject matter of it, after which he discharged him, but not till he had forced Mr. Randolph to give up the King's bonds to him. If the Government at home will suffer the King's officers to be thus treated in Pennsylvania, it is very strange to me. Mr. Penn in my presence promised him that all imaginable respect should be paid him by this Government, but I find all his promises alike performed. I am satisfied that the paragraph you mention to all intent makes the law null and void; and I am sure that the Tenth Article of the instructions sent to Governors of Proprietary Colonies will require Mr. Markham's best skill to excuse himself from the charge of perjury, for passing that Act after he had sworn to the Article. But we may see how powerful a thing eightpence *per* ton on shipping is. The Governor is pleased to give pirates their liberty when committed for piracy. He could give no reason, except that they would be forthcoming when called for. He paid them a visit when they were in gaol, in his coach, and when they had paid their compliments to him they were let out. I have a whole history to tell you. 1 p. *The whole*, 9 pp. *Endorsed*, Recd. 10 Nov., 1698.

760. vi. Copy of the Act of Pennsylvania for preventing frauds and regulating abuses in the plantation trade.

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The points open to criticism are noted in the margin ; and the clause, which enacts that offences against the Acts of Trade and Navigation shall be tried by jury, has written on the page over against it an opinion of certain officers of Maryland that it is unnecessary and illegal. *The whole*, 11 pp. *Endorsed as No. v.*

760. vii. Extract from the Journal of the House of Delegates of Maryland, containing two resolutions that the merchants both of New York and Pennsylvania shall pay the 10 *per cent.* duty. Copy of an Act to explain the Act for the imposition of a duty of 10 *per cent.* on all European commodities exported from the Province. 2 pp. *Endorsed as No. iv.* [*Board of Trade. Maryland*, 3. Nos. 52, 52 I.-vii.]

- [Aug. 20.] 761. Memoranda of three sets of Journals and accounts sent with the foregoing letter of 20 August and received 10 Nov., 1698. [*Board of Trade. Maryland*, 3. Nos. 53 I.-iii.]

Aug. 22.
Annapolis,
Maryland.

762. Governor Nicholson to Secretary Vernon. I hope you have let Sir Thomas Laurence give you a full account of our affairs. I wrote at length to the Council on the 20th inst. I hear that Slye and his confederates have forged another parcel of articles against me, and I think they deserve the same characters of being part false, part scandalous and all malicious, like the former. I hope I shall be allowed to prove them to be so. If you see the articles, please suspend your judgment till you have seen my answer. *Signed*, Fr. Nicholson. 1 p. [*American and W. Indies*, 558. No. 10.]

Aug. 22.

763. Secretary of the East India Company to William Popple. The Company has appointed Benjamin Franks and Jonathan Tredway, of Captain Kidd's ship, to be brought before the Council of Trade this morning. *Signed*, Ro. Blackborne. $\frac{1}{2}$ p. *Endorsed*, Recd. Read 22 Aug., 1698. [*Board of Trade. Plantations General*, 4. No. 128.]

Aug. 22.

764. Journal of Council of Trade and Plantations. Mr. Blackborne's letter of this day read (No. 763), and Jonathan Tredway, one of Kidd's men, was examined, and confirmed previous depositions, in particular that of Nicholas Alderson, as to Kidd's voyage. Benjamin Franks being called in could add nothing to his former affidavit.

Aug. 23.

- Draft representation on the instructions for Virginia approved. Letter to Governor Nicholson signed, and ordered to be committed to Sir Thomas Laurence for transmission. Order for the Maryland Acts to be returned for a few days by the Attorney-General in order to Colonel Blakiston's instructions.

Representation on the instructions for Virginia signed.

Address from Philadelphia in Mr. Yard's letter of 19th inst. (No. 759 i.) received and reserved for consideration.

Mr. Cary's memorial of this day as to Mr. Lucas and Captain Bugdon received and read.

Aug. 24.

- Dr. Blair attending gave a long narrative of his suspension from the Council of Virginia, and offered several arguments why his name

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should be continued in the list of the Council to be inserted in the instructions for Virginia. The Board resolved to leave the names unaltered and to lay the instructions before the Lords Justices to-morrow.

Mr. Walrond's papers considered, and orders given for him to be sent to for his affidavit to the matters of fact within his knowledge.

Aug. 25. Certain of the laws of Maryland were perused with a view to Colonel Blakiston's instructions.

Henry Watson's information as to piracy received and read (No. 770).

Lord Bellomont's letters and papers received on 6th ult. considered, with a view to an answer thereto.

Aug. 26. Order for Mr. Blackborne to be requested to send Samuel Roberts to attend the Board, on the matter of pirates.

Mr. Walrond handed in his affidavit, and being questioned denied that he was privy to certain words spoken by Captain Arthur as alleged by Governor Codrington. John Cruse was then called in and gave hearsay evidence as to the taking of a Spanish ship by Captain Weatherhill.

Colonel Blakiston's instructions were completed, and the Maryland laws sent back to the Attorney-General. [*Board of Trade*. Journal, 11. pp. 187-196.]

Aug. 23. **765.** Memorial of Richard Cary to Council of Trade and Plantations. I have lately seen a letter from one of the Council of Antigua dated 23 June, mentioning that John Lucas had been tried for a libel, signed J. Johnson, upon Governor Codrington, and found guilty, and fined £100, with orders to find security in £100 more to be of good behaviour till next sessions. This is also confirmed by a person who was present at the trial. Captain Bugdon was tried by order of the Admiralty for breach of orders and for using Governor Codrington ill, on 12th inst. at Plymouth. He was found guilty by a court-martial of twelve captains, and sentenced to lose all his pay, to be imprisoned for a year, and to be incapable of ever serving the King. Signed, Rd. Cary. 1 p. [*Board of Trade*. Leeward Island, 5. No. 113.]

Aug. 23. **766.** Council of Trade and Plantations to Governor Nicholson. Yours of 28 May has reached us. The King has appointed you to be Governor of Virginia. Your commission is despatched and your instructions will shortly be perfected; and when that is done we shall have much to write to you. We now send you a duplicate of one letter of 2 September, with copy of the King's letter, Mr. Penn's letter, and the Order in Council respecting the boundary of Maryland and Pennsylvania. Signed, J. Bridgewater, Ph. Meadows, John Pollexfen, John Locke, Abr. Hill. [*Board of Trade*. Maryland, 9. pp. 206-207.]

Aug. 23. **767.** Council of Trade and Plantations to the Lords Justices of England. We beg to submit a report on the alterations which we have made in preparing Governor Nicholson's instructions. Some of these alterations are taken from the instructions given to other Governors, viz., that the Governor return not to Europe without the King's leave, that accounts of revenue and public

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money be sent home, that the commissions of judges, justices and sheriffs be made without limitation of time, that accounts of increase or decrease of population be sent home yearly, that a general survey of the country be made and a map transmitted home. Other alterations carry their own reason in themselves, viz., that the Councillors, since they sit as a Supreme Court of Judicature, take the oaths proper to a judge, that the method formerly settled for bringing a Councillor to answer in civil causes be made effectual, that tables of fees be hung up in all public places where they are charged, that all orders of Council be read and approved before entry in the Council-books, and that surveyors be sworn to do their work faithfully. Other alterations require more particular explanation. The general ground thereof is that in the administration of the Government of Virginia all things are made so entirely dependent on the Governor's single will and pleasure that, if there happen to be an ill man in that post, it cannot reasonably be expected that any person, and least of all Councillors, should oppose him or advise the King of his miscarriages. On the other side, too, the visible consequences of such a constitution are that all the chief officers of Government may procure from the Governor his connivance with their faults. We have therefore added a few words to the clause concerning the suspension of Councillors, ordering that the whole proceedings on such occasions shall be entered fairly in the Council-book, which we think will render Councillors less liable to arbitrary removal. It is notorious that there are great arrears of quit-rents due to the King from Virginia, owing partly to the great tracks of land taken up by particular persons, but not cultivated. We have required of the Governor an account of all these arrears, and have added a proposition for a new method of taking up land, to be maturely considered of and for the Governor to report if it shall be adopted. Former instructions have ordered a convenient house to be built for the Governor, but meanwhile he receives £150 a year for house-rent. No advance, however, has been made towards that work, and we have intimated to the Governor that he must not expect a continuance of house-rent if by his neglect the house remains unbuilt. The Collectors and Naval Officers have for years past been the same persons, and for the most part Councillors, doing their business principally through unsworn deputies and rendering their accounts to the Council, which is to themselves. The evils of this are evident and complaints have not been wanting, so we have inserted a clause to prevent it. It seems also incongruous that the Receiver should be the same person as the Auditor, and we have inserted a clause ordering the Governor to report to us as to the settlement of these offices. Since also this same officer has been accustomed to sell the tobacco received for quit-rents, we have added directions for the method of selling it which we think will be advantageous. We have also added a clause to remedy abuses in the Secretary's office. *Signed, J. Bridgewater, Jno. Pollexfen, Phil. Meadows, Jo. Locke, Abr. Hill. [Board of Trade. Virginia, 37. pp. 252-259.]*

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Aug. 24.

768. Minutes of Council of Bermuda. The Chief Justice, Justices and officers of militia were appointed. [*Board of Trade*. Bermuda, 39. p. 2.]

Aug. 25
New York.

769. Edward Randolph to Council of Trade and Plantations. Want of a ship still prevents me from carrying the commissions to administer the oaths to the Governors of Carolina and Bermuda, though I expect to obtain one in a few days. I was lately in East New Jersey, where most of the towns in that and the other province will not accept Mr. Basse as Governor, because he is not qualified by the approval of the King signified by Order in Council. I observe that all the Governors take the oaths not in obedience to the Acts of Trade but to avoid payment of £1,000. Yet they have entered upon their Governments and undertaken the trusts imposed on them by those Acts. I enclose some queries arising from the Proprietors' Governors' meddling with the Acts of Trade, who seem in no way concerned therein, although they have taken the oath. I discoursed Mr. Markham about his law and shewed him that in passing it he had acted expressly against the 10th article of the Lords Justices' instructions to him, though he had taken an oath to observe it. I enclose copy of the Act with my remarks. I must repeat what I have already said, that as long as the Proprietary and Charter Governments remain intermixed with those under the King's direct authority, it is impossible to suppress illegal trade. The Scotchmen now value themselves highly on the opinion of the Attorney and Solicitor-General respecting the proviso in the Act for preventing frauds which relates to Scotchmen. The people of Pennsylvania have by their sham law already destroyed utterly the design of that Act, and they question not but that by Mr. Penn's interest they will get that law passed in their favour. If so, it will be an admirable precedent for all the other Proprieties to pass the like law, and then those provinces will be soon peopled; for many more of the inhabitants of Virginia, Maryland and New York will settle among them when all goods are exported and imported free, and the laws are as favourable as they choose to make them. There were never so many vessels cleared from this port in one year for Madagascar and Curaçoa as now. The Swift frigate, which was ordered to cruise for prevention of illegal trade, is lost, and without such a vessel a hundred Acts of Parliament will signify nothing towards suppressing that trade, as the enclosed list will show. Unless a vessel be ordered to cruise on this coast the King will lose more in his customs than would support five men-of-war at home. *Signed*, Ed. Randolph. *P.S.*—I send this by Captain Culliford, who was sent to Connecticut by Lord Bellomont to seize illegally imported East India goods. I beg that the Council of Trade will order him to attend and state the facts. $2\frac{1}{2}$ pp. *Inscribed with a short abstract.* *Endorsed*, Recd. 31 Oct. Read 1 Nov., 1698. *Enclosed*,

769. 1. Queries arising upon a clause in the Act for preventing frauds. (1) Have Governors, appointed by Proprietors, any right or power to execute the Acts of Trade until they have been approved by the King through Order in Council, as ordained by the said Act?

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Have they power to demand of a ship's master, under penalties, the invoice of his cargo, or have they power to appoint a naval officer? (2) If a Governor having taken the oaths appointed by the Acts of Trade wittingly offends against those Acts, should he be turned out of his Government or forfeit £1,000? (3) Has any such Governor the right to receive a third share of all ships and cargoes forfeited for breach of the Acts of Trade? (4) Are not the Governors of Rhode Island and Connecticut, who are elected annually, upon the same footing as the Governors of other Proprietary Colonies as regards the Acts of Trade? (5) Are not Plantation-bonds implied in the words "all the penalties and forfeitures before-mentioned," in the Act for preventing frauds, and may not Plantation-bonds, forfeited upon breach of the Acts of Trade, be tried in the Courts of Admiralty in the Colonies if the officer or informer prosecute them there? *Signed*, Ed. Randolph. 25 Aug., 1698. 1 p.

769. II. List of vessels sailed or cleared for Curaçoa and Madagascar from the port of New York in the year 1698. Fifteen for Curaçoa; four for Madagascar. 1 p.

769. III. Copy of the Pennsylvania Act for preventing frauds and regulating abuses in the Plantation Trade. $4\frac{1}{2}$ pp., with annotations by Edward Randolph in the margin. The principal objections which he urges are, that the Act positively frightens officers from searching ships by making them liable for damages if they detain a ship above one tide; that though the penalties imposed by the English Act are doubled, this is only a blind, for they will not be enforced; that there is a general dispensation to all persons to substitute an attestation for an oath; that cases arising under the Act are to be tried according to course of common law, which by implication condemns the Courts of Admiralty erected by the King; and that the regulations of the English Commissioners of Customs are made the pretext for raising a large sum (under colour of paying his expenses) for the present Governor. [*Board of Trade*. Plantations General, 4. Nos. 129, 129 I.-III.; and (*without enclosures*) 34. pp. 373-377.]

Aug. 25. 770. Information of Henry Watson. That Samuel Roberts can prove that Governor Fletcher received £400 for a commission from the pirate Robert Glover, provided that he were secured from future trouble at Governor Fletcher's hands. $\frac{1}{2}$ p. *Endorsed*, Brought by the Earl of Bridgewater. [*Board of Trade*. Plantations General, 4. No. 130.]

Aug. 25. 771. Deposition of Samuel Perkins of New England. About five years ago I went on board the Resolution, 18 guns and 60 men, Robert Glover, commander, on which I was detained by my uncle, who was boatswain. We sailed from New England at night by way

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of the Guinea Coast to Madagascar, where we victualled and cleaned, and then sailed to the Red Sea, where we waited for some India ships, but missing them, went to an island called Succatore at the mouth of the Red Sea for provisions, and thence to Rajapore, where we took a small Muscat ship. Glover sailed away in her, having quarrelled with the crew of the Resolution, and Richard Shivers, a Dutchman, was chosen commander. We sailed to Mangalore, where we took, plundered and released a small Moor's ship; thence to Calicut, where we took four ships, but finding the people hostile set fire to them and sailed to Cape Comorin. Here we missed the Malacca ships but took a Danish ship, which was rifled, then proceeded to Mauritius and so to St. Mary's, near Madagascar, where we met the John and Rebecca, Captain Hore, with a rich prize taken in the Persian Gulf, and found also a brigantine which had come from New York for negroes. At St. Mary's, which is pretty large and well populated by black people, Captain Baldrige, an old pirate, had built a platform of twenty-two guns, but this was destroyed by the blacks when I was in Madagascar nine months ago, and Captain Glover and the rest of the pirates killed. Eleven men in my house were killed at the same time in Madagascar and only myself spared. There was another party of English in Madagascar who defended themselves until Captain Baldrige, who was then absent in his brigantine, came and took them off to St. Augustines. I had run away from the Resolution before this happened, and was one of the party that was carried to St. Augustines. From thence she sailed to St. Helena, where we arrived six months ago, pretending to be a trading ship of New York, and so got water and provisions. I ran away from her there, and waited on the island for three months until I got a passage home in an East Indiaman. I heard at Madagascar that a little before my arrival fourteen of the pirates had by consent divided themselves into two parties of seven to fight for what they had, thinking that there was not enough for all, and that the whole of one seven were killed and five of the other, so that two men enjoyed the whole booty. I heard and I believe that not only the Resolution but also the Mocha and several other ships were playing the pirate in different parts of the East Indies when I left Madagascar. *Copy. 5½ pp. Endorsed, Recd. Read 6 Sept., 1698. [Board of Trade. Plantations General, 4. No. 131.]*

Aug. 25.
Philadelphia.

772. Robert Quarry to Council of Trade and Plantations. Since my last, two seizures have been made, one of East India goods brought from New York without cocket, and supposed to have been run in by a foreign ship from Madagascar; and though a private account was sent from New York of these goods and their value, which was £1,000, yet all that they seized is not worth above £150. Whether this was due to the folly or to the knavery of the officer I do not know; some say that most of the goods were landed before he went aboard. I must repeat that if there were forty officers more in this bay, they would not be able to secure the trade of the place; nothing can do it but a vessel of force constantly cruising between the Capes. For instance, since these officers came hither there was a Boston ship that took in almost all her loading of tobacco in the lower counties of this Government after

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she was cleared, and carried it away to Newfoundland. I could give you many more instances. The other seizure is a sloop commanded by a Frenchman who produces copies of letters of denizenation which, in my opinion, cannot qualify him. I cannot receive your directions herein before the trial, but I beg that you will write them to me for my guidance in future. The Act of Navigation is very full, as are also the Acts to explain it here, but I should be glad to know how far letters of denizenation qualify a foreigner to be master of a ship under the Act. The law-officers have decided that Scotchmen are qualified under the Act, and they are increasing accordingly. Nearly all the Governors pretend to naturalize or at least to denize foreigners, so that the Acts, in this respect, are rendered ineffectual. Foreigners can always obtain a qualification from one Government or another, so that soon it will be difficult to get Englishmen to sail in our ships. For my part I am resolved to be guided by the Acts of Parliament until otherwise instructed by you. I cannot yet hold a Court of Admiralty to decide these and other pending matters, because the officers live a hundred miles asunder. I do not think that a worse choice could have been made. The Marshal has not the use of his limbs, whereas he ought to be a brisk active man. The Register lives a hundred miles away, and is one of the members who passed the late Act which practically destroys the Court of Admiralty. The Advocate is not in this part of the world and does not design to be. I must consult Governor Nicholson, who has power to fill vacancies, but I do not know if he can supersede Commissions. I am sure if any expedient is to be found for the King's interest, he is the only man that I can depend on. Application to other Governors will mean loss of time and money, and great courtships before anything can be done, when perhaps the opportunity will have been lost. But Governor Nicholson's zeal for the King's interest is so great that he encourages and even courts them who will promote it, not only in his own but in every other Government. As soon as I return from Maryland and have overcome all difficulties I will hold a Court of Admiralty notwithstanding the pernicious Act of the Province to the contrary. I am resolved to assert my commission, whatever the consequence. There are pirates of Every's crew still in this Government, sometimes at liberty and sometimes in custody, as they can make their terms. I have no power to try them, for by the Act of 27 and 28, Henry VIII., all pirates must be tried by a Special Commission under the Great Seal. If such a Commission be issued here, there will be no evidence gotten for the King, and I conceive that it will be best to send the prisoners to England. *Signed*, Robt. Quarry. 4 pp. *Endorsed*, Recd. 21, Read 24 Oct., 1696. [*Board of Trade*. Proprieties, 2. No. 27; and 25. pp. 243-247.]

Aug. 25.
Whitehall.

773. Order of the Lords Justices of England in Council. Approving the draft instructions for Governor Nicholson of Virginia, and ordering a copy to be prepared for the Royal signature. *Certified copy*. $\frac{1}{2}$ p. *Endorsed*, Recd. 6 Sept., 1698. [*Board of Trade*. Virginia, 6. No. 60; and 37. p. 259.]

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Aug. 25. Whitehall. **774.** Order of the Lords Justices of England in Council. Referring a petition of Edward Walrond to Council of Trade and Plantations for report. *Signed*, John Povey. $\frac{1}{2}$ p. *Endorsed*, Recd. 29 Aug., 1698. *Annexed*,
774. 1. Petition of Edward Walrond to the Lords Justices. Setting forth that, owing to his taking exception to Governor Codrington's proceedings in respect of Captain Arthur and other matters, Governor Codrington had bound him over in £500 to take his trial, whereupon he escaped from Antigua to England and preferred several complaints against Governor Codrington, since which the Governor has levied execution on his estate for £500. Prays to be heard by counsel, and for all proceedings against him to be stayed meanwhile. $1\frac{1}{2}$ pp. *Copy*. [*Board of Trade*. Leeward Islands, 5. Nos. 114, 114 1.; and 45. pp. 201-205.]
- Aug. 25. **775.** Deposition of Edward Walrond. A reassertion of various statements to the detriment of Governor Codrington in respect of the case of Robert Arthur, and of his former charges against the Governor of trading with the French and Dutch and with pirates. 2 pp. *Endorsed*, Recd. Read 26 Aug., 1697. [*Board of Trade*. Leeward Islands, 5. No. 115.]
- Aug. 25. **776.** Minutes of Council and Assembly of Antigua. Message of the Council representing that the soldiers lie about the island in a miserable condition owing to the expiration of the Act for quartering them. Answer of the Assembly, that most of the soldiers were now house-keepers, but that it was ready to pay for the care of the sick soldiers. Joint Committee appointed to inspect the Acts concerning registry and imported servants. Message from the Council to the Governor asking for a vessel to be appointed to pursue some negroes who have run to the French. Orders for a rebate of duty and upon a legal case. [*Board of Trade*. Leeward Islands, 64. pp. 269-272.]
- Aug. 26. Whitehall. **777.** William Popple to the Attorney-General. I send you back the laws of Maryland returned by you two days ago. The Council of Trade earnestly desire you to despatch your opinion thereon. [*Board of Trade*. Maryland, 9. p. 207.]
- Aug. 27. Virginia. **778.** Governor Sir Edmund Andros to William Popple. Forwarding minutes of Council, lists of ships, copy of the laws in force and accounts of the public revenue. The orders as to the rules for conducting correspondence have been communicated to all officers. *Signed*, E. Andros. $\frac{1}{2}$ p. *Endorsed*, Recd. Read 13 March, 1698-9. [*Board of Trade*. Virginia, 6. No. 61.]
- Aug. 27. Islington. **779.** Edward Walrond to Council of Trade and Plantations. I enclose a deposition of John Cruse, also Colonel Holt's letter to Governor Codrington. I shall send for Captain Bugdon's answer to the question, how many days after Arthur's trial he returned

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from his cruise. *Signed*, Edward Walrond. $\frac{1}{2}$ p. *Endorsed*, Reed. 29 Aug., 1698. *Annexed*,

779. i. Deposition of John Cruse, cooper, formerly of Antigua. I was in the sloop Barbuda, belonging to Governor Codrington, when she sailed from Antigua to Nevis three or four years ago. At Nevis Captain Julius came on board her while at anchor and showed authority to take her under his orders, whereupon he took her to Spanish Town, where the Barbuda was taken alongside a Spanish ship and lay there three or four days until Captain James Weatherhill arrived in the sloop Charles from Antigua; and on the day following we took on board five pipes of brandy and other goods from the Spanish ship, and shifted them on to the Charles, which then sailed to Nevis. $1\frac{1}{2}$ pp.

779. ii. Copy of a letter from Colonel Holt to Governor Codrington. *See* No. 670 i. [*Board of Trade*. Leeward Islands, 5. Nos. 116, 116 i., ii.]

Aug. 27. **780.** Minutes of Council of Maryland. Philip Clarke was brought up in custody and examined, after which he was bound over in £1,000 to take his trial at the next Provincial Court. On his objecting that he had already given heavy security, it was shown that this was on another account, and on his failing to give good security he was committed. [*Board of Trade*. Maryland, 13. pp. 605-607.]

Aug. 28. **781.** Council of Trade and Plantations to the Lords Justices of England. Submitting a draft instruction empowering the Governor of New York to suspend the Lieutenant-Governor and appoint another in his place. *Signed*, J. Bridgewater, Ph. Meadows, John Pollexfen, John Locke, Abr. Hill. *Here follows* copy of the instruction. [*Board of Trade*. New York, 52. pp. 387-392.]

Aug. 29. **782.** Minutes of Council of Maryland. Robert Mason was brought up in custody and examined, when the Governor reproved him for feigning sickness. He was first accused of misconduct as a vestryman in selling a parish-slave, and order was given to prosecute him for breach of his vestryman's oath. His accounts as Treasurer of the Western Shore were next examined, and he was told that he must produce vouchers. Gerard Slye was then called in, and accusations against him and Mason were further heard.

Aug. 30. Robert Mason swore to his accounts as Treasurer. Certificate to the Provincial Court to order the prosecution of Slye, Mason and others. [*Board of Trade*. Maryland, 13. pp. 607-612.]

Aug. 29. **783.** Mr. Yard to Council of Trade and Plantations. The King having ordered the squadron designed for suppression of the pirates in the East Indies to proceed on her voyage, and having appointed three persons to accompany the Commander in Chief as Commissioners, desires you to prepare a draft of such powers and instructions as you think necessary. *Signed*, R. Yard. $\frac{1}{2}$ p. *Endorsed*, Read 29 Aug., 1698. [*Board of Trade*. Plantations General, 4. No. 132; and 34. p. 318.]

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Aug. 29.

784. Journal of Council of Trade and Plantations. Mr. Walrond's letter of 27th inst. read (*No.* 779), also an Order in Council of 25th inst. on his petition (*No.* 774). Agreed to represent that his petition be granted.

Mr. Yard's letter of this day, ordering draft instructions to be prepared for the Commissioners of the expedition against pirates, was read, and some progress made with the said instructions.

Aug. 31.

Mr. Walrond's letter of yesterday read (*No.* 785). Order for the papers etc. therewith enclosed to be returned to him, and that he be instructed that he can get what further depositions he pleases as to the Spanish ship.

Instructions for the Commissioners of the expedition against pirates further considered.

Sept. 1.

The aforesaid instructions were completed, and a representation signed and sent with them to be laid before the Lords Justices. [*Board of Trade. Journal*, 11. pp. 197-199.]

Aug. 30.

Islington.

785. Edward Walrond to Council of Trade and Plantations. I have obtained an account from Captain Bugdon of all that relates to Captain Robert Arthur, and enclose his journal. Please let these papers be returned to me. John Cruse omitted to state in his depositions that he saw only one negro and one mulatto on board the Spanish ship though he saw many suits of clothes, which is a material circumstance to corroborate the story of the murder of the Spaniards. *Signed*, Edward Walrond. $\frac{1}{2}$ p. *Inscribed with a memorandum of an entry from Captain Bugdon's journal. Endorsed*, Reed. 31 Aug., 1698. *Annexed*,

785. i. Copy of Governor Codrington's summons to Henry Walrond to attend Council and state his evidence against Robert Arthur. 1 June, 1697. $\frac{1}{2}$ p.

785. ii. Copy of Governor Codrington's order to Captain Bugdon to land Henry Walrond and any other witnesses concerned to attend Council and state their evidence as to Robert Arthur. $\frac{1}{2}$ p. *Both enclosures endorsed*, Originals sent in Mr. Walrond's letter of 30 Aug., 1698. [*Board of Trade. Leeward Islands*, 5. Nos. 117, 117 i, ii.]

Aug. 30.
Philadelphia.

786. Robert Quarry to Council of Trade and Plantations. After the seizure of the East India goods mentioned in my letter of 25th inst. (*No.* 772), I ordered them to be put in the custody of the Marshal of Admiralty until the trial. Yesterday the Sheriff under a warrant of the Justices took them from his custody by force. I hope you will now be satisfied that neither Commissions nor Acts of Parliament will be obeyed here. About a week ago a vessel came in here from Curaçoa, which put her goods ashore and according to custom will take in provisions and, when cleared, will load in the lower Counties. I have advice that there is a vessel now loading tobacco without entry. There is no checking this illegal trade without a small man-of-war, nor will that effect it while the Government remains in the present hands; for if they forcibly take seized goods from the custody of the law, what can I do but complain to you? I expect to be sent to gaol for asserting my commission, but that shall not deter me. The Governor of this place has not

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the King's approbation as the law requires, and ten days ago he committed Mr. Randolph to custody only for telling him that he ought to have that approbation before he acted as Governor. Unless some speedy course be taken, the King may save the cost of keeping officers here and summon them home. *Signed*, Robt. Quarry. 2 pp. *Endorsed*, Recd. Read 24 Oct., 1696. [*Board of Trade*. Proprieties, 2. No. 28; and 25. pp. 248-250.]

Aug. 31.
H.M. Ship
Winchester in
St. John's
Harbour in
Newfoundland

787. Captain Norris, R.N., to Council of Trade and Plantations. Since my arrival on the 10th inst. I have done my best to fulfil your orders. I enclose copies of all the papers relating to the soldiers and the fort of St. Johns. On the 30th the company was formed, and I contracted with the master of the John and William for passage for the rest of the soldiers, 56 in number, for twenty shillings ahead, they being all desirous to return to England. When I arrived I found the ship aforesaid laden with the King's provisions lying upon demurrage. As the fort would hold no more provisions I distributed them among the men-of-war, and discharged the ship. By the state of the provisions in the fort you will see the great quantities they will have to last them a year, which in my opinion will be defective and spoiled before they can be served out. I would suggest that next year another twelve months' provisions should be sent, that the old provisions may be sold by public auction, and that the proceeds of the sale may go towards the subsistence of the fort. I hope to be able to answer your enquiries satisfactorily before my departure, having sent to all the ports to take an exact account. I have already found several unfree ships here, but all belonging to English owners and sailed according to the Act of Navigation, so in my judgment they are not foreigners. Therefore I have not molested them in their trade this year, but have taken bonds from them to answer all suits of law that may be commenced against them for trading in unfree ships. The ship of which you had an account from Leghorn is not yet arrived, but here is a ship with an Irish master and a crew of foreigners which he pretends to belong to English owners, though he has nothing more to show than his orders, which are writ in French. I have confined this master and crew to their ship, that they may not be informed of the manner of our trade in this country, and I intend so to detain him until we sail, when I shall let him steer his own course, so he does not make for Newfoundland again. I have sent an inhabitant to Placentia to give information of their trade, contracting to give him £10 on his return, which I hope you will approve. *Signed*, Jno. Norris. P.S.—Nothing has been sent from the Office of Ordnance to this port as you intended. 1½ pp. *Endorsed*, Recd. 28 Sept. Read 25 Oct., 1698. *Enclosed*,

787. 1. Copy of the papers relating to the soldiers in the fort at St. Johns, Newfoundland.

Colonel Thomas Handasyd to Commodore Norris. King William's Fort, 15 August, 1698. I beg that for the preservation of the men and the stores you would order the healing [?] of the store-houses and barracks in this fort; for by the extremity of the winters here it

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will be impossible to secure the men dry in their beds or the stores without repairs.

Upon this orders were given to Colonel Handasyd to contract for the necessary repairs, for which he presented accounts [*given in full*] for £28 5s. Copies of the receipts for payment of the same.

Nominal list of the officers and soldiers in King William's Fort, 25 August, 1698: 11 officers, 12 sergeants, 12 corporals, 7 drummers, 44 privates.

Accounts of the money to be paid to the officers and men going home to England, £140 15s., and to the officers and men staying in Newfoundland, £244; with copy of Colonel Handasyd's receipt for the whole sum of £384 15s.

Nominal list of the Independent Company formed for the garrison of King William's Fort: Lieutenant William Lilburn, 1 ensign, 3 serjeants, 3 corporals, 2 drummers, 43 privates. Nominal list of the officers and men of the train, returning to England, 20 of all ranks, and of those to be left at Newfoundland, 7 of all ranks.

Return of the provisions in King William's Fort on 22 August, 1698. The condemned stores, unfit for food, include 2,042 *lbs.* of bread, 1,164 *lbs.* of beef, 20 gallons of pease, 15 gallons of oatmeal, 114 *lbs.* of butter, 1,992 *lbs.* of cheese, 10 gallons of beans.

Order of Commodore Norris for the condemned stores to be thrown into the sea.

Receipt of the master-gunner for a deputation from Lord Ranelagh, for distribution of money to the soldiers and regulation of their subsistence; and of £565 17s. for subsistence of the Independent Company. *The whole, 7½ pp.*

787. II. Account of the Ordnance stores in the forts and batteries of St. Johns, Newfoundland. *Printed form. 3 large pages. Endorsed, Recd. 28 Sept. Read 25 Oct., 1698.*

787. III. Commodore Norris' account for £1,000 received from the Postmaster-General. [*Board of Trade. Newfoundland, 3. Nos. 124, 124 I.-III.; and (without enclosures). 25. pp. 253-255.*]

Sept. 1.
Whitehall.

788. Council of Trade and Plantations to the Lords Justices of England. With reference to the powers and instructions to be given to the Commissioners to be sent with Captain Warren's squadron to the East Indies, we offer our opinion as follows. The powers should be in general to seize on the persons, ships and goods of the pirates, and in case of resistance to pursue and destroy or take them by land or sea; or, otherwise, to give them assurance of the King's pardon. As to the execution of the powers, a proclamation should be furnished to the Commissioners, setting forth that the King's design in sending this great force is to secure the trade of those parts and clear the seas of pirates by an utter

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extirpation of them, unless they immediately surrender, and thereupon calling upon them all to surrender, when they shall receive pardon for all piracy committed before they have notice of this proclamation. But this pardon shall not extend to any pirates on this side the Cape of Good Hope, nor in any case to Henry Every *alias* Bridgeman. The Commissioners should further be directed to sail with the squadron as soon as they can possibly be ready, and make the best of their way to the island of St. Mary near Madagascar, where they will publish the proclamation in the best manner that they can, dispersing it also in all other places where they may understand that pirates are or may come. Any pirates who will not voluntarily submit must be attacked by land or sea, their persons, ships, etc., and their fortifications and refuges destroyed. From thence the Commissioners should pursue the pirates (dividing the squadron if need be) through all the seas to the east of the Cape of Good Hope, as well beyond as on this side Cape Comorin, attacking them everywhere, as aforesaid. All pirates that fall into their hands should be examined, and encouraged even by recompense to give information. All ships navigated by British subjects, that may be reasonably suspected of trading with pirates, must be strictly searched, whether on this side or beyond the Cape of Good Hope. If pirates be met at sea in strength so inferior as to be incapable of resistance, they are to be seized without offer of pardon, though subsequently all but the ringleaders may receive assurances of pardon on promise of honest demeanour in future. Pirates in strength to offer resistance should receive the offer of pardon if they surrender without fighting; if they resist, the Commissioners shall give no assurance of pardon to the captain except on conditions to be hereafter expressed. If the fight be obstinate, the offer of pardon may be renewed during the fight, to avoid effusion of blood. If during the fight any of the crew seize the captain and surrender the ship, they shall be assured not only of pardon but of reward. If a pirate-ship escape from a fight and the captain afterwards seizes another pirate-ship and deliver her up as well as his own, assurance of pardon shall be given to him and his crew. Pirates bringing in their own ship or another by force (except in the case above-mentioned) may receive not only pardon but reward. The Commissioners should be directed to let their rules be known in order to foment divisions among the pirates, according to their discretion. They should also be directed to apply to the natives and to the factories of the East India Company for advice and assistance. The most notorious pirates should be brought back to England to be tried and punished; those that have received assurance of pardon should also be brought to England and so disposed of that they may be secured from returning to piracy. Any treasure taken from the pirates should be reserved for the King towards reimbursing the charge of the expedition; and the Commissioners must therefore be directed to take account thereof. Trading-ships taken by pirates from any people in amity with the King shall if possible be restored to those people. Goods piratically taken by pirates and recaptured from them shall if possible be restored to their right owners, and the Commissioners shall take an exact inventory of them; otherwise

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they shall be brought to England to be sold for the King. But of all such booty one tenth part shall be reserved for the officers and men for their encouragement. The Commissioners should also be directed to promise to the officers and men further recompense for any extraordinary attempt. Perishable goods may be used or sold, and the produce thereof brought home and accounted for. Signed, Ph. Meadows, John Pollexfen, Jo. Locke, Abr. Hill. [*Board of Trade. Plantations General, 34. pp. 319-328.*]

- Sept. 1. **789.** Minutes of Council of Massachusetts. Order for payment of £25 to Bartholomew Green for printing done for the public service, also of £10 for transportation of fourteen prisoners released from Canada to Albany. [*Board of Trade. New England, 49. pp. 169-170.*]
- Sept. 1. **790.** Minutes of Council of Maryland. Robert Quarry deposed as to scandalous words spoken by a person during Slye's trial in the Provincial Court. The oaths were tendered to the accused person, he being suspected of disaffection to the Government, whereupon he refused to take them.
- Sept. 2. Order for Colonel Lowe to enquire whether Mason did not receive fees for criminals in Governor Copley's time, though as Sheriff he handed over no criminals to his successor.
- Sept. 3. The Governor commended certain remarks of Mr. William Helmsley on the Provincial Court to the Justices of that Court and the Law-officers. Sundry petitions read and dealt with. The report as to the complaints of the Nanticoke and Choptank Indians was referred to further consideration. Order for Gerard Slye to be brought before Council, to disprove his charge of subornation against the King's evidence.
- Sept. 4. A petition from Gerard Slye read, confessing his fault and asking for mercy. The Council recommended that his imprisonment be remitted if he made further confession and discovery and gave up his papers. Two presentations of the Justices and Grand Jury as to the harbouring of John Coode in Virginia and Sir E. Andros's neglect to arrest him, were read and ordered to be published.
- Sept. 5. John Bozmane sworn Naval Officer for Pocomoke. Several depositions against James Frisby were heard, and the matter was left to the ordinary course of law.
- Sept. 6. A letter to Sir Edmund Andros, forwarding papers relating to Coode and praying for his arrest, was read and approved. Enquiry ordered about the arms at Potomac fort. Shipping lists sworn to. Court of Appeal appointed for next week. Sheriffs ordered to have the public tobacco ready against next Assembly. The Journal of the proceedings of the Agents appointed to treat with the Indians read and approved. The Indian present accepted, and order given for a present to be made them in return. A day was fixed for them to come to Annapolis and make a further treaty. Petition of Gerard Slye for remission of his punishment and leave to go home, on answering any questions put to him and giving up his papers. Ordered that he do of himself make discovery and give up his papers. Order for a day of thanksgiving for good crops.
- Sept. 8. Order for adjournment of the Provincial Court till November. Gerard Slye's narrative read and his imprisonment remitted,

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provided he acknowledge his offence in open Court and ask pardon for his abuse of Captain Hill. His fine to be distributed among deserving people. His bond for good behaviour was then read and approved, and he made his submission in public. Robert Mason also petitioned for mercy, which the Governor was inclined to grant to him on the same terms as to Slye. [*Board of Trade*. Maryland, 13. pp. 612-626.]

- Sept. 2. **791.** Minutes of Council of New York. The Attorney-General reported that the Governor of Philadelphia had written to ask for the service of H.M.S. Fowey against pirates in Delaware Bay, but that Captain Culliford declared himself bound by his orders to proceed direct to England. Order for a letter to the Governor of East Jersey to restore certain deserters from H.M.S. Fowey who have sought shelter in that province. Order for an embargo on all vessels outward bound. [*Board of Trade*. New York, 72. pp. 122-123.]
- Sept. 5. **792.** Minutes of Council of Bermuda. The officers of the militia were sworn. (The captains of the forts were sworn on the 8th.)
- Sept. 6. Order for precepts to be issued for calling an Assembly to meet on 31 October. [*Board of Trade*. Bermuda, 39. pp. 2-3.]
- Sept. 5. **793.** Journal of Council of Trade and Plantations. Order in Council of 25th ult. approving the instructions for Governor Nicholson for Virginia received.
Draft representation upon Colonel Blakiston's instructions agreed on.
- Sept. 6. The representation of yesterday, and another accompanying instructions as to the trade of New York and other of the American Colonies, were signed.
Deposition of Samuel Perkins of 25th ult. as to the pirates in the East Indies read and a copy taken (No. 771).
Draft representation upon some of Edward Walrond's papers considered.
- Sept. 7. Mr. Yard's letter of 6th inst. as to the instructions prepared for the Commissioners of the expedition against pirates read (No. 797), also another letter from him of this day (No. 804). Draft instructions thereupon considered and agreed on.
- Sept. 8. Representation to accompany the instructions of yesterday signed, also a representation upon Mr. Walrond's papers.
Mr. Lowndes's letter of yesterday as to Mr. Blair's salary read (No. 805). Order for an instruction to the Governor of Virginia and a representation to accompany it, to be prepared accordingly.
- Sept. 9. The representation as to Mr. Blair's salary approved.
The Secretary reported the arrival of several packets. Lord Bellomont's papers concerning New York considered. [*Board of Trade*. Journal, 11. pp. 199-205.]
- Sept. 6. **794.** Abstract of several depositions, taken before Sir Charles Hedges, as to the ship Frederick, belonging to Frederick Phillips [Flypse] of New York. Deposition of Humphrey Perkins, master of the ship Frederick. In October last I was made master of

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the ship aforesaid by Frederick Phillips [Flypse], a considerable merchant of New York, with orders to carry a cargo of rum, wine, salt, sugar, molasses, and four negroes to Virginia. We sailed on the 17th of December, were driven into Delaware Bay by loss of spars, were frozen up there till March and entered the Potomac about 22 March. There I was advised to return to New York, as a new Act had been passed requiring all ships to be registered there. I returned accordingly, was registered, and prepared to sail again. About the 11th of April Adolphus Phillips, the owner's son, and Thomas Gleaves, master of another ship belonging to Phillips, came on board me in the river beyond New York, and said that he was going with him, no matter whither, that they must look out for a ship, and that the first man who saw her should have a piece-of-eight. We met with the said ship, when Adolphus Phillips ordered me on board her with my sloop. In answer to questions they said that they were come from Madagascar, and last from St. Helena. We took out of her ninety-two bales, which I took to be calicoes, and fifteen dry casks, and put them on board the Frederick. The owners then went on board the said ship, which had now but seventy negroes in her, and returned in her to New York, while I sailed the Frederick to Delaware Bay and arrived there on the 29th April. There Adolphus Phillips met us, and we were ordered not to go in for fourteen or fifteen days, but Thomas Gleaves was master of the Frederick from the time when we met the other ships. In Delaware Bay, the wine, sugar, etc., were unloaded by Adolphus Phillips, also some of the bales, the ship then lying about nine leagues within Cape Henlopen. When we took the bales from the other ship we were above three leagues from the shore, and six or seven leagues south of Sandy Hook. While we lay in Delaware Bay, I signed bills of lading for the goods remaining on board to Augustus Jay in Hamburg. I also received instructions to sail to Hamburg, where I delivered the cargo to Augustus Jay on the 27th of June; but I have not seen Jay since the 30th. Jay is a merchant, who lives with his family in New York. *Here follow copies of the ship's certificate, and instructions to sail to Hamburg, deliver the cargo, go thence to Amsterdam, ship such goods there as the Agent shall appoint, and proceed thence to the Isle of Wight and thence to New York. All ships at sea are to be avoided, and none spoken with on any account whatever.*

Depositions of Jonathan Sampson, mariner, and others of the crew. Confirming the account of the trans-shipment of the Madagascar goods into the Frederick, of her subsequent voyage to Hamburg; and of the delivery of the said goods to Augustus Jay at Hamburg. *The whole, 28 pp. Endorsed, Recd. 12th, Read 23rd Sept., 1698. [Board of Trade. New York, 7. No. 92; and (an abstract only), 52. pp. 393-395.]*

Sept. 6. **795.** Memorandum of the receipt of these depositions. 12 Sept., 1698. $\frac{1}{4}$ p. [*Board of Trade. Plantations General, 4. No. 133.*]

Sept. 6. **796.** Robert Quarry to Council of Trade and Plantations. I am obliged again to report to you a high contempt of the Royal
Philadelphia.

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authority. In my last I told you that I was going to Maryland to consult with Governor Nicholson and to obtain a commission for Mr. John Moore as Advocate of the Admiralty Court. I had not travelled above forty miles on my way when an express reached me from Philadelphia that all the seized goods in the custody of the Marshal had been forcibly carried away by warrant of Anthony Morris, a justice of the peace. I thought at first that he had acted from ignorance, but when Governor Markham refused my application that the goods should be restored, I found that it was the act of the whole Government; so now they have thrown off the vizard and openly affront the King's authority. When they found that all their threats could not frighten me from my duty and that therefore their beloved profitable darling, illegal trade, must be ruined, they resorted, having no other game to play, to open disobedience and contempt, trusting that with Mr. Penn's interest at Court they can do anything. This extravagance is no surprise to me. I must remind you that I accepted my commission unwillingly, knowing them to be a perverse, obstinate and turbulent people who will submit to no laws but their own, and have a notion that no Acts of Parliament are of force among them except such as particularly mention them. They have so long encouraged illegal trade by exporting tobacco to Scotland and importing European goods from Curaçoa, gaining great advantage thereby, that they will not part with it. No doubt you have received several copies of their late Act of Assembly. They have clothed it with all fair and specious pretences, yet I am confident that the cloven foot and the snake in the grass cannot be hid from your Lordships' wisdom. I can show that all their pretences are false and designed only to cover the clause that destroys the powers of the Court of Admiralty. See the copy of it enclosed. They know that if the Acts of Trade and Navigation are tried in their Courts by their judges and by juries returned by their sheriffs, their illegal trade will not be hindered. By my assertion of the King's authority I have forced them to resort to open disobedience, but unless speedy action be taken the results will be fatal to the King's interests. Impunity for this defiance of authority will encourage them to take a step further; and the example will spread to neighbouring Colonies, and indeed has already so far infected Maryland that but for the vigilance and prudence of Governor Nicholson the consequence might have been fatal. Moreover, unless the illegal trade be checked, the people will cease to depend on England for supplies, but, by the plenty and cheapness of the commodities, will be able to supply the other Colonies and to ruin trade. Governor Markham has not been approved by the King, which will show you how little Acts of Parliament are respected here. I beg for your further orders, for without them I can do no more. *Signed, Robt. Quarry. 3½ pp. Enclosed.*

796. 1. Deposition of Robert Webb, Marshal of Admiralty in Pennsylvania. As to the forcible taking of certain confiscated goods from his custody by the sheriff acting under a warrant of Anthony Morris. $\frac{1}{2}$ p. *Annexed.* A précis of the above letter, with the endorsement, Recd. 21, Read 22 Nov., 1698. [*Board of Trade. Proprieties, 2. Nos. 29, 29 1.; and (without enclosure) 25. pp. 263-269.*]

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Sept. 6.
Whitehall.

797. Mr. Yard to William Popple. The representation of the Council of Trade of 1 September, as to instructions for the Commissioners that accompany the squadron to the East Indies, has been read to the Lords Justices. They desire you to prepare (1) a draft of powers to be given to the Commissioners, apart from the instructions relating to the command of the squadron, which belongs to the Commander-in-Chief. (2) Draft heads for a proclamation of pardon, etc., for the pirates. (3) Draft instructions for the Commissioners, stating in particular how long it may be proper for the squadron to be abroad. I am also to inform you that the King has appointed the Commander-in-Chief, Mr. Israel Hayes, Mr. Peter Delanoy and Mr. Christopher Pollard to be Commissioners. The Lords Justices desire that the drafts shall be ready for their meeting on Thursday next. *Signed, R. Yard. 1½ pp. Endorsed, Reed. Read 7 Sept., 1698. [Board of Trade. Plantations General, 4. No. 134; and 34. pp. 330-331.]*

Sept. 6.
Whitehall.

798. Council of Trade and Plantations to the Lords Justices of England. The Commissioners having some while since prepared draft instructions, in pursuance of the Acts of Trade and Navigation, for the direction of the Governors of Colonies, and one copy thereof for Bermuda having received the King's signature, we lay before you copies of the said instructions for Governors Nicholson of Virginia, Blakiston of Maryland, and Lord Bellomont of New York, Massachusetts, and New Hampshire. *Signed, Ph. Meadows, John Pollexfen, Jo. Locke, Abr. Hill. [Board of Trade. Plantations General, 34. p. 329.]*

Sept. 6.
Whitehall.

799. Council of Trade and Plantations to the Lords Justices of England. We lay before you draft instructions for Governor Nathaniel Blakiston of Maryland. Wishing to make the instructions to Governors as conformable as possible to each other, we have forwarded those as then drawn up lately for the Governor of Virginia. One clause of the old instructions, however, has made us consider the practice of giving money to the Governor by the General Assembly, which appears to have been allowed in all the Colonies, and in Maryland to have been in a manner required. This practice appears to us subject to very great inconveniences; for as private interest is too apt to sway men from their duty to the public, it is to be feared that the expectation or promise of a present may induce a Governor to comply with the planters in some things prejudicial to the King's interest, or the opposition of any planters to a present may draw upon them great inconveniences or hardships from the Governor. From our first entry on our Commission we have thought that this practice should be altered, but we have found no so proper occasion as the present. For the Assembly of Maryland has by several temporary Acts settled on the King's Governors of that province a revenue of threepence a hogshead on tobacco, and continued the same from time to time for their support and maintenance. The continuance of this revenue to a Governor by a single Act for the whole term of his Government would be no increased charge to the Colony, and if once obtained, as recommended, would remove all the inconveniences

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likely to arise from the practice of repeated presents. We have therefore omitted in the present draft the clause which seems to allow the making of presents, and also that which directs the promoting of it in Maryland, and have inserted a clause that if the Assembly choose to pass an Act for settling threepence a hogshead upon the King during Colonel Blakiston's term of office, he may be allowed without further application to the King to accept it. This being an encouragement to him to procure the settlement of such an establishment, we hope that he may succeed in doing so. We further recommend in general that the practice of giving presents be either wholly abolished or reduced to the method now proposed. *Signed*, Ph. Meadows, John Pollexfen, John Locke, Abr. Hill. [*Board of Trade*. Maryland, 9. pp. 208-211.]

Sept. 6. **800.** Minutes of Council of Nevis. Order for suspension of the Clerk, Thomas Neal, for summoning the Council to meet Colonel Gardner. [*Board of Trade*. Leeward Islands, 64. pp. 475-476.]

Sept. 6. **801.** Minutes of Council of Barbados. George Payne sworn Acting Clerk of Council during the illness of the Clerk. Bill for printing the laws read a second time, and a message sent to the Assembly for the original of the law enabling judges to appoint their own clerks, together with any documents bearing Lord William Willoughby's hand, for comparison of the signature. It was then found that the signatures were much alike, and since persons of repute testified that the law had been published in the churches, it was admitted as genuine. Bill for printing the laws referred to a Committee. Bill concerning Grand Sessions read a second time and sent to the Assembly with amendments. The Assembly brought up this last bill again, also a bill to appoint Agents.

Sept. 7. The bill for printing the laws as amended, and a new bill for the same, were sent down to the Assembly to choose which they would pass. They chose the new bill, which was thrice read and passed. Bill to appoint Agents read once. Bill concerning Grand Sessions read with amendments and passed. Order for the Treasurer to pay for thirty-six imported servants, and to return one decrepit servant to the importer. The Assembly brought up a bill for a present of £2,000 to the Governor, which was read thrice and passed. Sundry payments for compiling and printing the laws passed. [*Board of Trade*. Barbados, 65. pp. 367-370.]

Sept. 6. **802.** Journal of Assembly of Barbados. The Committee on Naval Officers' fees presented their report. Order for a bill to be prepared for renewing the excise on imported liquors. A committee for inspection of fees appointed, also a committee to consider and report as to the disposing of imported servants. Bill for Grand Sessions passed with the Council's amendments. Bill for appointing Agents sent up to Council.

Sept. 7. Bill for printing the laws, with amendments, and an alternative bill for the same, received from Council, and the latter passed. The Council's amendments to the bill concerning Grand Sessions passed. Bill to present £2,000 to the Governor ordered and passed. Voted

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that all owners of land be required to discover upon oath (so far as they know) the number of acres possessed by them, and that a bill be prepared for that purpose, so that white servants may be placed on the land. The House concurred in the Council's grant of £100 to William Rawlins, and an address to this effect, together with the bill for a present to the Governor, was sent up to Council. [*Board of Trade*. Barbados, 65. pp. 307-311.]

Sept. 6.
Virginia.

803. Edmund Jenings to William Popple. The Orders of Council and copies of the laws are forwarded by this opportunity. Signed, E. Jenings. [*Board of Trade*. Virginia, 6. No. 62.]

Sept. 7.
Whitehall.

804. Mr. Yard to William Popple. Since you called upon me, the Lords Justices have sent me the enclosed memorandum as very proper for the consideration of the Council of Trade. No doubt they will agree and include the matter in their instructions. Signed, R. Yard. *Written over page,*

Memorandum. The Council of Trade will consider the necessity of adding a clause to the instructions, empowering the commanders of the expedition [against pirates in the East Indies], if they find any place they touch at advantageous to the trade of England and unsettled by Christians, to leave a settlement there, or, if not, to report by first opportunity their opinion of such place. $\frac{1}{2}$ p. *The whole endorsed*, Reed. Read 7 Sept., 1698. [*Board of Trade*. Plantations General, 4. No. 135; and 34. pp. 331-332.]

Sept. 7.
Treasury
Chambers.

805. William Lowndes to William Popple. In answer to yours of 22 June the Lords of the Treasury have no objection to the continuance of the salary of £100 a year out of the quit-rents in Virginia to Dr. Blair, nor to the insertion of the said salary as an article in Governor Nicholson's instructions. Signed, Wm. Lowndes. 1 p. *Endorsed*, Reed. Read 8 Sept., 1698. [*Board of Trade*. Virginia, 6. No. 63; and 37. p. 261.]

Sept. 8.
Whitehall.

806. Council of Trade and Plantations to the Lords Justices of England. In reply to your directions conveyed by Mr. Yard in his letters of 6th and 7th inst., we offer as follows. The separate powers proper to be given to the Commissioners who accompany Captain Warren's squadron are (1) to give assurance of pardon to any pirates who shall be in the seas to east of the Cape of Good Hope at the time of the squadron's arrival, according to the King's instructions; (2) to take charge of the persons, ships, goods, etc., of the pirates that may be seized, and dispose of them, according to the King's instructions. As to the heads of a proclamation offering pardon to pirates, we propose the following: (1) A declaration of the intent of the expedition, to extirpate all pirates to the east of the Cape of Good Hope; (2) a summons to pirates to surrender thereupon; (3) a declaration of the Commissioner's powers to grant pardon to those who surrender for piracy committed before, but not after, notice of the King's gracious offer. As to instructions to Captain Warren and the Commissioners, we submit the following draft. You are to embark on the squadron and proceed on the service prescribed in this commission. You are, on your voyage, to examine any British ship, wherever met with, that is suspected

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of trading with pirates. On arrival at St. Mary you are to publish the proclamation, and take all measures for dispersing it among the pirates. *Here follow the directions as to pardons, given in No. 788.* If in the course of your voyage you find any place unsettled by Europeans and not belonging to any of the King's Allies in which you judge that an English settlement may be advantageous to English trade, you may make a settlement thereon if you can spare good and trusty men sufficient; or if not you will report to us by the earliest opportunity. *Instructions end.* As to the time for which it may be proper for the squadron to be kept abroad, we think that the Commander-in-Chief should be empowered to send home one or more ships if he find that his force is greater than required, but we conceive that no other proper limitation of time can be fixed than either till the work be done or till the squadron through death of men, want of provisions, or decay of ships cannot safely remain longer in those parts. *Signed, Ph. Meadows, John Pollexfen, Jo. Locke, Abr. Hill. [Board of Trade. Plantations General, 34. pp. 332-341.]*

Sept. 8.
Whitehall.

807. Order of the Lords Justices of England in Council. Approving the draft instructions for Governors Nicholson of Virginia, Blakiston of Maryland, and Lord Bellomont of New York, Massachusetts and New Hampshire. *Copy. ½ p. Endorsed, Recd. 10 Sept., 1698. [Board of Trade. Plantations General, 4. No. 136; and 34. p. 342.]*

Sept. 8.

808. Minutes of Council and Assembly of Antigua. On the motion of the Assembly the Council assented to an Act for confirming the proceedings of the late Act of Courts, and agreed to their late message respecting the soldiers. Messages were also sent from the Council as to an amendment to the Register Act, as to the Jamaica Act for pirates, and on certain small matters.

Sept. 9.

The Assembly sent up the Acts relating to registry and to white servants, and a message in regard to the adjustment of the Treasurer's accounts. The Council pressed for certain amendments in the Registry Act, to which the Assembly objected; and after interchange of several messages neither side would give way. *[Board of Trade. Leeward Islands, 64. pp. 273-278.]*

Sept. 10.

809. Minutes of Council and Assembly of Nevis. On the proposal of the Assembly, sailing orders were given to H.M. Ships Norwich and Sun, to come up from the Virgin Isles, and to Captain Gardner to cruise for twenty days. *[Board of Trade. Leeward Islands, 64. p. 476.]*

Sept. 10.
Loo.

810. William Blathwayt to William Popple. The enclosed are hardly worth the name of letters, being only what the Governor of New Jersey has thought fit to offer to the King (without much appearance of haste) of the inclinations of the people. Please answer it as the Council of Trade shall direct. *Signed, Wm. Blathwayt. ½ p. Endorsed, Recd. 10, Read 12 Sept., 1698. Enclosed,*

810. 1. Governor Hamilton to William Blathwayt. Burlington, 20 May, 1697. This is the first General Assembly since

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receipt of yours of 21 April, 1696, else the province would have sent the following documents earlier.
Signed, Andrew Hamilton. $\frac{1}{2}$ p.

810. II. Association signed by the Council and Assembly of New Jersey, 20 May, 1697, on the defeat of the Papist conspiracy against the King. *Signed*, Andrew Hamilton, Governor, and by twelve more. 1 p.

810. III. Address of Congratulation from the Governor and Council of New Jersey to the King on his deliverance from the Papist conspiracy. *Four signatures*. $\frac{1}{2}$ p.

810. IV. Association for the defence of King William's Government. *Forty-two signatures*. $1\frac{1}{2}$ pp. [*Board of Trade*. Proprieties, 2. Nos. 30, 30I-IV.]

Sept. 10.
Philadelphia.

811. Robert Quarry to Council of Trade and Plantations. This is practically a duplicate of the letter of 6 September (No. 796) with the following passage added at the end. They think that by their barbarous usage of Mr. Randolph they have prevented him from coming among them any more, let the King's service oblige him never so much. I suppose you have long since heard how they imprisoned him in the custody of two constables, like a felon, merely for telling the Governor that he ought not to act until he had been approved by the King. I believe that if I had not appeared for him, Governor Markham would have dealt worse with him. *Signed*, Robt. Quarry. *The whole*, $2\frac{1}{2}$ pp. *Endorsed*, Recd. Read 23 Dec., 1698. [*Board of Trade*. Proprieties, 2. No. 31; and 25. pp. 285-291.]

Sept. 10.
Annapolis,
Maryland.

812. Governor Nicholson to the Duke of Shrewsbury. I forward Journals of Council, Laws, etc., as in enclosed list. I thank God that the late disturbances here, which seemed to tend to rebellion, are over, and I hope the country generally is satisfied. Three of the chief contrivers and actors therein, Gerard Slye, Philip Clark and Robert Mason, were tried at this Provincial Court, found guilty and sentenced to five and six months' imprisonment. The ship cannot stay, so I can give you no particulars of their trial, but shall send it a fortnight hence. John Coode, the chief incendiary, is still in Virginia, but I have written to Sir Edward Andros to ask that he may be delivered up to justice here, else it is apprehended that he may try to stir up further commotions. I enclose certain papers respecting my proclamation against pirates. *Signed*, Fr. Nicholson. 1 p. *Enclosed*,

812. I. List of papers forwarded with the above letter. $\frac{1}{2}$ p.

812. II. Copy of Governor Nicholson's proclamation of 13 May, 1698, against the harbouring of pirates.

Copy of proceedings in respect of John Blackmore and William Cotter, arrested on suspicion of being pirates, extracted from the minutes of the Council of Maryland of 22 July, 1698. [*Board of Trade*. Maryland, 3. Nos. 54, 54 I., II.; and (without enclosures) 9. pp. 367-369.]

Sept. 12.
Annapolis,
Maryland.

813. Governor Nicholson to Council of Trade and Plantations. I thank God I can report this province to be in a more peaceable

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state than when I wrote last. I send copies of the trials and condemnations of Slye, Clark and Mason and of my letter to Sir E. Andros concerning Coode, who I hope will be delivered up to justice here. I send also copy of a report of the Provincial Justices concerning the Pennsylvanian Act. Colonel Robert Quarry tells me that he has given you a full account of affairs in Pennsylvania. I hope to have another opportunity of writing at the end of this month. *Signed*, Fr. Nicholson. 1 p. *Endorsed*, Recd. 21, Read 22 Nov., 1698. *Enclosed*,

813. I. Opinion of the Justices of the Provincial Court that the Pennsylvanian Act for preventing frauds, etc., is repugnant to the Acts of Trade and Navigation. *This is entered in Board of Trade*. Maryland, 9. p. 365.

813. II. Copy of the trials of Coode, Clark, Mason and Slye. 42 pp. [*Board of Trade*. Maryland, 3. Nos. 55, 55 I.; and (without No. I.) 9. pp. 363-366.]

Sept. 12.
[New York.]

814. Edward Randolph to William Popple. Lord Bellomont is still indisposed with gout, which prevents him from going to Boston. I have observed here a great ferment among the trading people because His Excellency has endeavoured to suppress the illegal trade, which for many years they have carried on with great profit. It is not the person, but the customs long since imposed by themselves upon trade which dissatisfies them. That Act expires next May and will not be renewed. East and West Jersey are setting for themselves and will not accept Mr. Basse as Governor. He is laying down the Government and retiring to his plantation. I am at last going to Carolina, from whence, if I live and escape pirates, I shall send a report of its condition. *Signed*, Ed. Randolph. *Holograph*. 1 p. *Endorsed*, Recd. 30 Oct., Read 1 Nov., 1698. [*Board of Trade*. Plantations General, 4. No. 137; and 34. pp. 378-379.]

Sept. 12.

815. Memorandum of the receipt of the preceding letter. $\frac{1}{2}$ p. [*Board of Trade*. New York, 7. No. 93; and Proprieties, 2. No. 32.]

Sept. 12.
Whitehall.

816. Council of Trade and Plantations to Lords Justices of England. We offer an additional instruction to Governor Nicholson for the payment of a yearly salary of £100 to Dr. Blair from the quit-rents of Virginia. *Signed*, Phil. Meadows, John Pollexfen, John Locke, Abr. Hill. [*Board of Trade*. Virginia, 37. pp. 262-265.]

Sept. 12.
Whitehall.

817. Council of Trade and Plantations to the Lords Justices of England. Upon the various petitions and complaints of Mr. Edward Walrond we report as follows. He first sent some papers to Lord Bridgewater relating to Governor Codrington's conduct in the prosecution of Robert Arthur for scandalous words spoken of the King. This was sent to Governor Codrington, and we have received his answer thereto. Mr. Walrond had meanwhile come to England and has perplexed the matter by adding thereunto and intermitting such a confusion of informations that it is difficult for us to report thereon. We shall, however, deal with the matter of

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Robert Arthur first. *Here the accounts given in the various documents are summarised, together with Governor Codrington's answer.* Upon the whole, we think that the words spoken by Robert Arthur were highly criminal, that Mr. Walrond was in great fault for concealing them at first, and that the justices entrusted with the trial were guilty of some neglect, but that none of these things excuse Governor Codrington from omitting to do many things which his duty required of him. Next as to the subject of Mr. Edward Walrond's forfeited recognizance, we do not see in the papers before us that Governor Codrington had any just reason for proceeding against him as he has done, either in obliging him to enter into the recognizance or in forfeiting it. We think, therefore, that all further proceedings against him in the Leeward Islands should be stayed, and the money, if levied, repaid to him. We have not yet been able to make a report upon other matters laid before us by Mr. Walrond, but we think Governor Codrington should be directed to allow John Lucas to come to England and to suspend further proceedings upon the matter in the Leeward Islands. Mr. Lucas asks for a commission to take evidence, but looking to the passion on one side, the authority on the other, and the animosities on both, we do not think that we should obtain an impartial account of these things. *Signed, Ph. Meadows, John Pollexfen, John Locke, Abr. Hill. [Board of Trade. Leeward Islands, 45. pp. 256-277.]*

Sept. 12. **818.** Journal of Council of Trade and Plantations. Depositions as to illegal trade carried on by Frederick Phillips of New York received (No. 794) and ordered to be considered with the rest of the New York papers.

Mr. Blathwayt presents addresses from New Jersey to the King upon discovery of the plot, etc.

Order in Council of 16 July on the petition of John Tucker and others received.

Mr. Duke delivered a packet from Rhode Island. The representations as to Mr. Walrond's papers and Mr. Blair's allowance were signed.

Sept. 13. A letter to the King in the Rhode Island packet was sent to Mr. Secretary Vernon.

Lord Bellomont's letters further considered, and order given for the preparation of additional instructions concerning his salary and perquisites.

Sept. 14. Order for the Secretary to write again to Mr. Blackborne for Samuel Roberts to attend the Board, and for the communication of all intelligence as to pirates.

The New York papers were further considered.

Sept. 15. A letter from Mr. Blackborne, saying that he had no further intelligence to give about pirates in the East Indies, was brought by Samuel Roberts, who gave information as to the harbouring of pirates in New York.

Mr. Hutcheson's letter of yesterday read.

Lord Bellomont's papers further considered.

Sept. 16. Lord Bellomont's papers considered, and further progress made. *[Board of Trade. Journal, 11. pp. 206-217.]*

1698.
Sept. 13. **819.** Instructions to Francis Nicholson as Governor of Virginia. He may communicate to the Council such instructions as he thinks fit. On suspending a Councillor he is to transmit the reasons home and enter them in the Council-books. He is to see that all the laws are revised and send a complete body of them with his opinions as to the alterations required; to urge the substitution of a liquor-duty for the poll-tax; to propose to next Assembly a law empowering the Governor and Council to raise a tax for the support of Government; to account for all money to the King; to moderate the salaries of Assemblymen if he thinks advisable. Councillors who are also judges are to take the oath of judges; the old form for making Councillors amenable to civil process is to be restored; the clergy are to be looked after and parishes limited and settled; orders of Courts and of the Council are not to be entered unless first read and approved; the Governor is to have sole power of impressing seamen; grants of lands that have not paid quit-rent for seven years are to be void; arrears of quit-rents are to be reported, also the names of those persons who possess above 20,000 acres of land each; a new system of land-grants, founded on settlement rather than the importation of servants, to be proposed to the Assembly; a law is to be recommended for ascertaining the qualifications of jurors; the old appeal to the General Assembly is not to be allowed; towns are to be laid out at certain places and no ships to be permitted to load or unload except at these places; Collectors and Naval Officers are not to be the same persons; they and their deputies are to be sworn; the Auditor's place is to be made the subject of a report; quit-rents are to be sold by inch of candle; a report is to be sent in as to reform of the Secretary's office. [*Board of Trade. Virginia, 37. pp. 266-303.*]
- Sept. 13. **820.** Minutes of Council and Assembly of Nevis. The Council proposed to the Assembly to provide £700 to purchase provisions in Barbados for the King's ships. The Assembly answered that it was willing to pay its share of expense with the other islands, and gave its opinion that the late Governor's authority had devolved on Colonel Gardner. The Council replied that Colonel Gardner was debarred by his suspension. [*Board of Trade. Leeward Islands, 64. pp. 476-477.*]
- Sept. 14. **821.** Minutes of Council of Maryland. Court of Appeal adjourned. Proclamation for arrest of John Coode and prohibiting correspondence with him, and for Philip Clarke to be disbarred, though he may continue the actions he was concerned in till next Provincial Court. Address of the Provincial Court to the Governor pointing out the bad effects of late false rumours, and asking that a proclamation may be issued to disabuse men's minds and to order the arrest of Coode. Address of the Provincial Court and Grand and Petty Jury on the same subject. Orders for Naval Officers to bring in their accounts, for Councillors and Delegates to attend on the 25th of October, for notice to be given of the sitting of the Provincial and Appeal Courts, for lists of taxables to be returned, lists of the religious denominations of the people, and lists of seafaring men, also for returns of the subscriptions to the free schools,

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for county clerks to return their accounts, for returns of marriage-licences, and for all grievances of counties to be sent up by their delegates. [*Board of Trade. Maryland, 13. pp. 626-634.*]

Sept. 14.
New York.

822. Governor the Earl of Bellomont, to Council of Trade and Plantations. My journey to Albany last July was very unfortunate to me in respect of my health, but having appointed to meet the Five Nations I resolved to keep touch with them as near as I could, even to the hazard of my life. I embarked in the midst of a fit of the gout and having taken cold on the river was like to have died when I reached Albany. However, weak as I was, I made shift to manage a Conference with the Indians. I confess I was strangely surprised and discouraged at their behaviour during the first two or three days of the Conference, for they were so sullen and cold that I thought we had lost their affections, but some of the Sachems coming to some of the honest magistrates of that town revealed to them that they had been tampered with by Mr. Dellius, the Dutch minister, to whom, with Peter Schuyler, Dirck Wessels, and one Banker, Colonel Fletcher had committed the whole management of Indian affairs. Dellius, to serve the interest and design of Colonel Fletcher in creating all possible difficulty in that part of my administration, had possessed the Indians that the power of himself and these three people aforesaid was equal to mine, and insinuated that the affairs of the Indians, the treating with them and succouring of them, was their affair rather than mine. Dellius also inculcated that they must by no means impeach Colonel Fletcher of any neglect of them or of our frontiers during the late war. These practices of Dellius, as I afterwards discovered, were the true reasons of the coldness and doggedness of the Indians to me, but, as they are a people naturally of very quick understanding, they ascertained from several of the most substantial and honest men in Albany that I was the King's Governor and that Dellius had deluded them. Having discovered their error they became more free in declaring their grievances and complaints, as you will read in the printed account of the Conference herewith enclosed. The opening of the treaty was very melancholy to me and to all present that wished well to the King's Government, for there were all the marks imaginable of discontent and disaffection in the countenance and carriage of the Indians. Yet, to my unspeakable satisfaction, I managed them with that patience and gentleness and made them so good a present that I quite retrieved their affections, and, by the acknowledgement of all the magistrates and traders in Albany, they were never known to part with any Governor in so good humour as with me. This journey of mine does happen to be rather more expensive to the country than usual, amounting to about £1,200, New York money; but then it must be considered that all the commodities acceptable and useful to the Indians happened to be 50 *per cent.* dearer at the time of my going up to Albany than they were ever known to be during the course of the last war. I affirm this as a truth, having taken particular pains to ascertain the prices of all articles given to the Indians by myself and by the late Governor. Dellius was the more industrious to amuse the Indians and make them reserved to me, that they might not complain of the notorious frauds put

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upon the Maquas, chiefly by himself and the other three before mentioned, in obtaining a grant of their whole country from Colonel Fletcher. The villainy of this Dellius will be made clear to you by the perusal of my second enclosure, which relates wholly to the fraudulent bargain made between Dellius and six or eight of the Maquas, wherein he makes them believe that the land was only conveyed to himself and to the other three persons in trust for the use of them and of their posterity, and to hinder their land from being transferred to others who would probably dispossess them thereof. Yet he and his three companions with Mr. Pinhorne (whom I lately dismissed from all his places) obtained an absolute grant of all the Maquas' land from Colonel Fletcher. It is observable that the parties who were chief complainants to me and gave evidence against Dellius, are Maquas proselyted by himself to the Christian faith. Henry and Joseph he has taught to pray and preach in their language by means of a woman-interpreter. I know not how sincere converts they are, but they seemed to have no veneration for their doctor and apostle Dellius, whose juggle with them about that land has made him appear an impostor to them. The interpretress, a Maqua woman and his own convert, was also a witness against him, as you will see, though he had managed her and the other Indians by her for some years past. But being examined on oath before the magistrates and several other persons, she was frank in declaring her knowledge of the fraud put upon the Maquas by Dellius. This would have been printed with the other transactions, but I was willing, in tenderness for Dellius's ministerial functions, to conceal his fraudulent behaviour from all except you, to whom it is my duty to report everything. I have dwelt the longer on these Indian Conferences and Dellius's sinister practices, because I take it to be of the last consequence to these provinces that you should be fully informed as to our Indians; and certainly Dellius and his three fellows are not a little accountable for the dangerous and knavish artifices which they used to keep the Indians' report from me, which might have been fatal to the King's interest and have shaken the Indians' allegiance just when the French are most industrious to debauch them from us. You will see by perusal of the Conferences how much the Indians stomach Colonel Fletcher's neglect of them during the late war, particularly his omission to demolish the fort of Cadaraqui, which the French had deserted for a long time, but have since re-garrisoned. It is so seated to the disadvantage of our Indians and their hunting, that it is a cruel thorn in their sides, as they term it.

I enclose a memorial sent to me by Colonel Pyncheon and Mr. Patrigg about the murder of two Englishmen by Indians in Hatfield, New England. My examination of the Skachkook Indians on page 14 of the printed Conference will inform you of that matter. I have also resented that barbarous action in a letter to the Governor of Canada, of which copy is enclosed, having reason to believe that the murder was committed by Canada Indians. You will see on page 10 of the printed Conference that the Five Nations have interceded for the pardon of William Simpson, a soldier of Albany, who murdered an Indian Sachem and wounded two

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others. He was tried soon after my arrival and lies under sentence of death. My answer to this is on page 14 ; and I have reprieved the man till the King's pleasure is signified to me. He is said to be a great villain by nature, and the fact was so desperate and bloody that I confess that, if it were left to me, he should suffer death. The other murderer mentioned on page 10 was tried while I was at Albany, but having many relations in the town was acquitted, the Grand Jury throwing out the bill. In the address of the Magistrates of Albany on page 16, three things are observable. First, there is a wrong implied to be sustained by the inhabitants of Albany by the grant by Colonel Fletcher to Henry Rensselaer of a great tract of land on the Hudson above Albany, the situation of which gives Rensselaer the advantage of intercepting the beaver-trade with the Indians from the town of Albany. As they come down the river in their canoes he, sometimes by fair means and often by a kind of force, makes them take rum and other commodities for their peltry. This complaint was made to me by some of the inhabitants by word of mouth, though it is only hinted at in the address, the reason whereof I take to be that Rensselaer himself signed it. The rest of the magistrates touched the matter but gently for that reason, and because Rensselaer and his eldest brother have the largest tracts of land about the town, and are related by marriage to all the best Dutch families. His eldest brother's land, I am told, measures twenty-four miles square, Albany standing in the centre of it. The next thing observable in the address is their thanks to me for restoring the management of Indian affairs to all the magistrates of the town, which seemed to me to be the fair and honest way both for the Indians and the inhabitants and Albany, for I could not approve of Colonel Fletcher's system of confirming it to four persons, whereby they indeed profited, but the town and the whole province suffered prejudice in the Indian trade. I discovered while at Albany that the grant of the Maquas' land was not the sole price paid by Colonel Fletcher for the flattering address to him from the people of Albany, which I formerly sent you. I told you that the address was carried on and solicited by Dellius and the other grantees; but Colonel Fletcher thought that it would palliate the corrupted part of administration—the total neglect of the frontier. My scheme for the management of the Indians and their trade will be found in my instructions to Colonel Schuyler (on page 18 of the printed Conferences) which I was forced to draw up with my own hand, ill as I was, having no Secretary nor anybody belonging to me there who could write good English. The third thing observable in the Address is the building of a fort at Albany, as to which and the intended fort at Senectady I intend to write my thoughts by Colonel Romar, who to my amazement is ordered home by the Board of Ordnance and will sail in H.M.S. Deptford about three weeks hence. By that conveyance I shall write also on other subjects which my health does not permit me to deal with now. On my return from Albany I was met by a crowd of business, before I had well recovered of my sickness there, which has given me a relapse into the gout, so that I am forced to dictate this letter. I must conclude with that which is printed on page 20 of the printed Conferences, which is an alarm

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sent hither by the Five Nations that the Governor of Canada designs a sudden inroad upon them unless they go immediately and beg a peace of him. On this I took every measure to keep our Indians in heart and to succour them, by sending up the Lieutenant-Governor with all the soldiers that I could spare from hence. His instructions are enclosed. I also sent Mr. Dirck Wessels, Mayor of Albany, to a general meeting of the Five Nations; see his instructions enclosed. This alarm also caused me to write a second letter to the Governor of Canada, copy of which, together with my instructions to the bearer, are enclosed. *Signed, Bellomont. Postscript. 16 Sept., 1698.* Mayor Wessels has returned from his meeting with the Five Nations and has delivered me the enclosed account of it. I forgot to mention in my letter a discourse which passed between Mr. Dellius and myself on the day of my arrival at Albany, which I have added to my second enclosure. It will show you his strange prevarication and doubleness. I have advanced nothing against him in that narrative which I cannot swear to the truth of. I can prove by good evidence several immoralities in his life, his disaffection to the King's person and other matters with which I will not now trouble you. You may wonder that I entrusted him with my first letters to Canada and that in my letters to the Governor of Montreal I gave a character of him so different from that which I give now. But I had not then seen him, and I consented to his going on Colonel Schuyler's advice, who told me that he could speak French well. I have also had advice from Albany that the magistrates and inhabitants have bought Rensselaer's grant of land on the Hudson River, so that there is an end of that grievance. 7 pp. *Endorsed, Recd. Read 31 Oct., 1698. Read again, 16 Nov. Enclosed,*

822. 1. Propositions made by the Five Nations to the Earl of Bellomont at Albany, 20 July, 1698. The mayor, aldermen and borough officials of Albany were present, also James Graham, Attorney-General, Colonel Abraham Depeyster, and several others. Arnout Cornelis Vielle, interpreter, and Helletie van Olanda, interpretress, were publicly sworn.

A Sachem of the Onandagas stood up first, and spoke as follows. We are overjoyed at your coming. We have sustained great losses in the late war, but with the tidings of peace we wipe sorrow and grief from our eyes; though we grieve to hear of your illness. *They gave ten beaver-skins.*

The Governor replied thanking them, and saying that in spite of his indisposition he was willing to hear any more that they had to offer. To this they replied that they had no more to offer at present.

21 July. The Governor addressed the Indians as follows. I am come on purpose to visit you, and heartily lament those of the brethren who have fallen in the war. My King has constrained the French to an honourable peace, and I have sent to the Governor of Canada to announce it, and to require of him the return of all prisoners. If you have any proposals to

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make I am ready to hear them. *Here he gave five bunches of white strung wampum.*

The same Sachem of the Onandagas stood up, and answered that they would make their proposals when the Governor was in better health.

Four of the gentlemen were commissioned by the Governor to meet three Praying Indians of Canada, and to offer them welcome if they would return to live among their kindred, forgetting all that might have occurred during the way. The said three Indians, after some pause, answered that they could give no satisfactory answer, except their thanks, as they were young men, and had none of their elders with them.

22 July. A Sachem of the Mohocks [Maquas] stood up and spoke as follows. A great misunderstanding has lately arisen among us Maquas concerning a writing given by some of our brethren about Maqua land, a matter which will affect the whole Five Nations as well as ourselves. We desire that this writing may be abolished, and that we who are the right owners may be masters of our own land. We are all of one covenant-chain and ought not to wrong one another.

The same Sachem of the Onandagas then rose and spoke as follows. We rejoice at the making of peace. Secretary Livingston, observe well and write what we say. Brother Corlaer, since the peace was concluded we have lost ninety-four men. We have lain still, observing the peace, but the French have violated it and killed our people. Our dependence is only on you, and we live in terror, being daily exposed to fresh assaults. Now as to our covenant-chain, which we formed many years ago and have always kept firm. We shall never depart from it, but keep it inviolable. All our confidence is that you will take us under your protection. This has been our comfort in former times, and Peter Schuyler has always been the instrument for assuring this comfort to us. We cannot forget that Virginia, Maryland and New England have often desired and have accordingly been linked into this great covenant-chain. We all sit under the tree of your protection. Brother Indians, let us keep the covenant-chain firm and bright. Brother Corlaer, give us protection. If the French do us further injury, we look to you for justice. You would do well to sell your goods and merchandise cheaper here than they are sold in Canada. This would bring back our young men whom the French have seduced to Canada. Another thing that troubles us is that we live far from here, and that when we break a hatchet or a gun we have to wait a long time and pay a great price for the mending of them. Pray remedy this grievance. We urge you most seriously to require the surrender by the French of all prisoners taken from us during the late war. Also we

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must tell you that no greater evil could have befallen the Five Nations than the resettlement of Cadaraqui by the French, which is a constant thorn in our sides.

23 July. The Governor spoke as follows. What you said as to writing concerning the Maqua land was so darkly expressed that I must ask you to be plainer and tell me the whole truth. Then I shall take care to do you justice. I am glad that you so faithfully observe the peace. If the French do you any hurt, inform me at once, that I may require satisfaction. In order to continue good correspondence with the French, do not suffer their priests to abide with you, but bring them here at once to receive my orders. You may be confident that all English are lovers of the Five Nations. I lament your losses since the peace, and I fear that you have not been watchful enough. You knew that there was war between you and the Dowaganhaes before the war between England and France. If you are not strong enough to reduce that Nation of Indians to your own terms, it may be worth while to try to make an advantageous peace with them. I rejoice that you remember the origin of the covenant-chain, and will keep it inviolate. I am particularly pleased that you ask for the protection of the King of England. You shall have it to the fullest, and in the name of all the King's subjects in each and all of the Provinces I renew the covenant-chain. As to the dearness of goods, your grievance cannot be remedied at once, since the peace is but just made, but it will very soon disappear as trade becomes regular again. I will give orders that the smiths and others in Albany shall yield to your request as to repair of arms. I will take care that the prisoners of your nation shall be sent for from Canada, and you must give me lists of the French prisoners in your hands, that they may be returned. On no account enter into any negotiation of any kind with the French in Canada, for that is a breach of the covenant-chain. See by these rich presents the affection which the King of England has for you. *Here were given* 247 yards of duffles at 7s. 6d. a yard, 5 pieces of Stroud waters cloth at £12 10s. 0d. a piece, 150 shirts, 25 kettles, 25 blankets, 10 dozen pair of stockings, 1 barrel of knives, 5 dozen hats, 60 gallons of rum, 400lb. of roll-tobacco, 1 barrel of tobacco pipes, 700lb. of powder in 150 bags, 1,500lb. of bread, 50 guns, 500 flints, 1 barrel of cider, 120 loaves of bread, besides private presents of a coat, shirt and hat apiece to twenty-five Sachems.

The Canada Indians came to the Governor to thank him for their presents and to say that they would come again in the fall, which he encouraged them to do.

25 July. The Skachkook Indians addressed the Governor as follows. We rejoice at your coming. We

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have not seen the sun for nine years past, having been engaged in a bloody war, and having lost many men. We have been a strong people, but see, Father, to what a small number the war has reduced us. It is long since we have lived in peace, but now we shall return to the shelter of your protection. We are but the least and youngest of the Indians, but we are part of the same chain with the Five Nations. We intend to return to our old settlement at Skachkook, and we beg your protection that we may not be disturbed. It is an evil practice, which may endanger our settlement, that when our young Indians return from hunting, the Christians at once come to us, and, under pretence of our being in their debt, take not only our furs, but also our guns, etc., so that we must always run into new debt to obtain guns. If we were allowed to come to market, like other Indians, we could pay our debts and have enough over to supply ourselves.

The Five Nations then addressed the Governor as follows. We come to speak to you of a matter which is a concern of the devil. One of the Maquas has been killed by one of your people, but we understand that the murderer was drunk. Yet another of us, a Sachem of the Senecas, was killed by one of your people, whom we had kindly entertained. Now to show our esteem for the covenant-chain we forgive these men and ask you to pardon them. *Here they gave seven beaver-skins and a belt of wampum.* We now speak of the resettlement of Cadaraqui by the French. You seem to charge it as our own neglect, but this is not right. At the beginning of the war we drove the French from it and acquainted Colonel Fletcher how advantageous it would be that the fort should be demolished. He promised to help us with men, but the promise was delayed. Two years later we told him the French designed to resettle it; and he again promised us help. We went home and made great preparations, but not a man came from him. The failure of the design, therefore, is your fault, not ours. Think how faithful we have been to the covenant-chain during the late war. Our scouts and spies always gave Colonel Fletcher sufficient notice of any design to enable him to recruit us with men, but the French generally came and burned our castles before he sent any relief. All the succour that we had in the war was from Colonel Schuyler, who marched against the French into our country with a few men and forced them to fly. Colonel Fletcher and the forces with him never came to Albany in all the invasions, till the enemy was fled. He often promised us that if we gave him the least notion of the enemy's motives he would come in person with 500 men. We asked him once for 300 men, but could not procure one. You must not be angry if we tell you

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that before the last invasion of the French into the Onandagas' Country we gave timely notice to Colonel Fletcher, but it was not regarded. When the enemy was half way on their march against us with 1,500 men we again asked him for help, but in vain; as the enemy drew nearer we again appealed to him, but there came not a man. We were then obliged to desert our castles, and the French having burned them, destroyed our corn and done us all the mischief they could, returned home. After their retreat Colonel Fletcher came to Albany, but with only thirty men instead of five hundred. We cannot understand how you can charge us with want of vigilance. You sent us an express to say that peace was made, and we should have had no need to be as watchful in peace as in war. It was not our want of vigilance, but the treachery of the French. Your charge, that we shall have no negotiation with the French and suffer none of their priests to abide with us, is very good. Please write to the Governor of Canada to prohibit such persons from coming among us. As to interchange of prisoners, pray inform us if there be any treaty to that effect with the French. Be sure that we will never break the covenant-chain. *Here they gave* 38 beaver-skins, 6 caps, 9 otter-skins. The number of our prisoners detained in Canada is 27 men, 42 women.

26 July. The Governor addressed the Skachkook Indians, promising them protection and redress of their grievances, and exhorting them to avoid intemperate drinking. He then gave them a large present (including 12 gallons of rum) and received their thanks.

The Governor then addressed the Five Nations as follows. When I told you to be on your guard against the Dowaganhaes, I meant that, as you were at war with them before the war began between England and France, you cannot expect them to be influenced by the peace. On the contrary, the French will doubtless stir them up to war. Defend yourselves manfully; and if the peace just made be violated you may rely upon my assistance. But I recommend you, if you can, to make a peace with the Dowaganhaes and win them to your covenant-chain. If there be any formal treaty as to exchange of prisoners, your Sachems shall be present. I wish to know what moved you to enter into negotiation with the French without my King's consent. I cannot pardon the murderer who is condemned, but I will reprieve him till I know my King's pleasure. The second murderer must be tried, and you must produce your evidence. *So far, 14 pp.*

Here follows an examination of the Skachkook Indians, taken on 15 July, as to the murder of two Englishmen at Hatfield, New England. At the close of it the Governor exhorted the Skachkooks to have nothing to do with the Eastern Indians, and not go to hunt near

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New England, where the people were jealous that the Skachkooks had injured them. They promised to observe the Governor's orders herein. *pp.* 14-15.

Address of the Mayor, Aldermen and Assistants of Albany to Governor Lord Bellomont. We welcome your arrival and the news of peace, after much suffering and grievous losses during ten years of war. We have constantly been obliged to give free quarter to officers and soldiers, and have been forced at our own charge to fortify the city twice with stockades and to build five block-houses. We find ourselves also engaged to acquaint you that formerly all Indian trade was confined within the walls of Albany, that by our charter trade with the Indians is granted to this city only within this county, and that all negotiations with the Five Nations were usually transacted in this city in the presence of the magistrates. We rejoice that you have taken the affairs of the Indians into your own hands. Since you are visiting the frontier, we would point out to you the weakness of our wooden fortifications and the need for a stone-fort, which will not only be a sound defence, but will relieve us from the burden of quartering soldiers.

The Governor replied to this address on 2 August, as follows. I congratulate you on your deliverance from the perils of the late war. It was God's mercy that you were not cut off like your neighbours of Senectady, considering how poor a defence your fort is and how little pains were taken to keep the companies in garrison complete. You have seen the trouble that I have had in reconciling the Five Nations, owing partly to their sense of the neglect of the late Government, partly to the foolish artifices of some in the town. I shall take all just measures to foster your trade, and I will ask the King to consent to the building of such a fort as you require.

Address of the inhabitants of Senectady to Governor Lord Bellomont. At the beginning of the war we were subject to a grievous inroad of the French, who laid our habitations in ashes, killed many of the people and carried away twenty-eight captives. We have been twice constrained to build a fort at our own charge for lodgment of the inhabitants and soldiers, all of which has brought us to great poverty. We beg for remission of quit-rents and taxes for some years, and for a fort to be built for our security at the charge of the King or of the province. *Eight signatures, all of them of Dutchmen.* *pp.* 17-18.

The Governor answered that he would do what he could for them.

Instructions to Peter Schuyler, to the Mayor of Albany and to Robert Livingston, Secretary for Indian affairs. (1) To discourage factions and parties in Albany.

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(2) To take the speediest measures to help the Indians if they complain of acts of hostility, sending soldiers if necessary. (3) To encourage the Indians by all fair means. (4) To report to New York on all emergencies, at the same time giving advice as to the best remedy for any mischiefs, and to apply for money for all contingent charges to Robert Livingston. They are to consult with the borough authorities of Albany and the commanding officer of the garrison whenever any negotiations are transacting with the Indians. *Dated*, 1 Aug., 1698. *pp.* 18-19.

Extract from the Minutes of Council of New York, 15 August, 1698. Recording the report of the proceedings at Albany, on which the Council complimented the Governor. *pp.* 19-20.

Message from the Five Nations to Governor, Lord Bellomont, delivered to the magistrates at Albany, 14 August, 1698. We would tell you what happened before your arrival at Albany relating to the prisoners of our nations in Canada. Hearing that Colonel Schuyler had returned without those prisoners, we resolved to try what we could do by means of the Praying Indians; and sent two of them (who had lived a year with us) with a belt of wampum to the said Indians desiring them to intercede with the Governor of Canada. They did so, but the Governor answered that the belt was from Onandaga only, that he had tried for six years to make a peace with the Five Nations without effect, that the Government of New York had always obstructed it, and that he would not receive the belt, nor release the prisoners. The Praying Indians besought him not to decline these fair offers, and reminded him of the courtesy of the messengers from New York. The Governor thanked them for their advice, and said "Go to the four nations and try what you can do with them, but have nothing to do with the Government of New York, nor with the Maquas." Finally the Praying Indians and the Governor of Canada agreed to send two belts of wampum to the Senecas, Cayouges, Onandagas and Oneidas, the first belt to bid them send a sachem to treat with them in Canada, the second to bid them bring all their French prisoners in with them, on which he would return their prisoners and make a firm peace with them; but if they denied or refused to come at the appointed time he would come with the hatchet and compel them. Now, Brother Corlaer, we will not hearken to the Governor of Canada. You tell us there is peace between France and England; let us reap the benefit of it. Please send a Christian back with us to Onandaga to attend our general meeting in this emergency.

The gentlemen at Albany replied that the message should at once be sent to New York by the Mayor, and

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that they might go with him if they pleased. Meanwhile they must return no prisoners to Canada.

Extract from the Minutes of Council of New York, 20 August, 1698. Giving an account of the proceedings on the reception of the above message; on which it was resolved to send Major Dirck Wessels to the meeting at Onandaga, and a letter to the Governor of Canada. pp. 20-22. *The whole, 22 printed pages. Inscribed, Recd. 31 Oct., Read 10 Nov., 1699.*

822. II. Depositions of Henry and Joseph, two Maqua Indians, 31 May, 1698. We are part owners of the Maqua land where the Maqua castles are seated; there are six principal proprietors besides ourselves. We have not sold the land to William Pinhorne, Peter Schuyler, Dirck Wessels, Godfrey Dellius and Evert Banker, nor to any other person. There are thirty-nine houses in the Maqua tribe, some containing one family, some two. When we put our mark to a bill of sale dated 8 July, 1697, we never intended to alienate the soil. We were deluded by the pretended purchasers, who told us that in time of war it would be best for us to appoint them our guardians and trustees. We did not agree with them altogether, but with each of them separately. We said, before we signed the paper, that all the persons concerned ought to be present, but we were answered that the purchasers would keep our land for us, and protect it against encroachment, and that, as long as any of the Maqua natives lived, it would be our property. We beg, since we have been deceived, that the deed may be voided, and that, to discourage such ill-practices in future, the King will give us a patent for our land with a limitation that none of the English may enter upon it while we or our posterity are in being, unless the King desire to erect a fort thereon. We further complain that about three years ago, while we were fighting the French, six idle drunken Maquas sold a very large tract, for the value of 30 beaver-skins in rum and other goods, to Arent Schuyler for Nicholas Bayard. We complained to the Magistrates of Albany, but Colonel Bayard obtained a patent for the land from Colonel Fletcher. We complained to Colonel Fletcher, who promised to void the grant, but did not. We beg that the Christian religion may be propagated among us, and that a minister may be appointed to reside among us. *Copy. The totem marks of Joseph and Henry are copied. 2 pp.*

Minutes of a Conference of the Maquas with Lord Bellomont at Albany, 25 July, 1698. Henry, a Maqua, said that Mr. Dellius was angry with him because he had reported to Lord Bellomont the abuse of the fraudulent purchase of Maqua land. Dellius had called him a liar, and had said that Janse Bleeker, Recorder of Albany, had filled his head with inventions and lies; wherefore

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he asked for investigation of the matter. Lord Bellomont thereupon put questions to Henry and the rest of the Maquas present, numbering twenty-five; which they answered to the following purport. We never sold our lands to Dellius, Schuyler, Wessels, and Banker. Some few of us were once summoned to meet them at Dellius's house, when the interpretress asked us if we would let the said gentlemen have a certain tract of land to keep it in trust for us, as certain persons were asking the Governor for a grant of it. We signed the paper, constituting them trustees accordingly.

Lord Bellomont then asked Dirck Wessels before the whole company what he understood the bargain to be between himself and the Maquas; who answered that the land should be conveyed to him and the others in trust for the use of the Maquas. Lord Bellomont then told the Indians that if he was satisfied with the truth of their statement he would endeavour to have the deed vacated, for it was not a deed of trust, but an absolute grant.

Godfrey Dellius was then summoned, when Lord Bellomont charged him with a fraudulent act in obtaining a grant of the Maqua land from Governor Fletcher, after cheating the Maquas out of it; and enlarged much on the nature of the crime and its heinousness in a minister of religion. In reply, Dellius said the whole deed was interpreted to the Indians, that the Maquas had sold the land outright, and that the Governor had as much right to make a grant of it as former Governors to give 1,000 acres to the city of Albany, which had also been Maqua land. Thereupon two of the Maquas again insisted to Lord Bellomont that they signed the deed on the understanding that it was a deed of trust.

Mr. Dellius was then ordered to withdraw, lest he should overawe the interpretress, Helletie. She, on examination, declared that the Indians had signed the deed as a deed of trust only, signifying that only when the Maquas were extinct should the land go to Dellius and his partners. The eight Indians who signed the deed were not the sole owners of the land in question, which belonged to the entire tribe. They were not authorised to sign it and they signed it separately at different times and places. The Maquas number 100 fighting men.

Henry, a Maqua, deposed that the rest of the Maquas knew nothing of the deed. He had signed it himself on his return from fighting, because Dellius told him that it was for the good of all the Maquas.

The rest of the Maquas present also said that the tribe at large had no knowledge of the transaction; and the signatories of the deed said that they had received nothing for the land, so that they did not sell it, that they had not given it away, and that they were not drunk when they signed the deed.

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The Governor then said that unless the grantee surrendered the grant he would use his interest to get it vacated; and he recommended the Indians in any future difficulty to apply to Peter Schuyler and Robert Livingston. *The whole, 7 large pages. Endorsed, Recd. 31 Oct., Read 14 Nov., 1698.*

822. III. Account by Governor Lord Bellomont of what passed between him and Godfrey Dellius on 2nd August, 1698. Mr. Graham had informed me that Mr. Dellius, upon my reproof to him for his fraudulent dealing with the Maquas, desired to make his submission to me and to resign his interest in the Maquas' land as Peter Schuyler and Dirck Wessels had already done. I had answered that if Mr. Dellius would express contrition I should heartily forgive him. Accordingly, on the 2nd of August, he came to see me. We sat about half a quarter of an hour together during which he spoke not a word, when seeing the pride and insolence of his nature (for he is the proudest fellow I ever knew) I could not forbear laughing, and told him that Mr. Graham had led me to expect submission from him, otherwise I would not have consented to see him. He then complained that he had been misrepresented to me as having refused to pray for the King at the time of the Revolution. He acknowledged that he did not pray for the Prince of Orange when commanded by Leisler, for he did not think it safe until intelligence came that he was secure on the throne. This was such a slip that I could not help laughing at it. As to the Maquas' land he said that he was very sorry to give me any offence, that he had no ill design in it, and that the obtaining of the grant could not be attributed to covetousness, for he had a great deal of land and no children to provide for; but that the Bishop of London had a project for applying the land to charitable purposes. I answered that I did not believe the Bishop would be concerned in any project for deluding poor people out of their lands, but that I thought Colonel Fletcher's grant was void, since but eight Maquas were parties to it instead of the whole tribe. I then asked him where was the instrument of resignation which I had been led to expect from him; to which he made some frivolous answer that he had not provided it. I told him that, in that case, he must not expect me to have a tolerable opinion of him, since my view of the fraudulent nature of the transaction was unchanged. I then suggested that he should apply himself less to the affairs of the world and more to the preaching of the gospel of peace, since I was informed that there would be no divisions in Albany but for him. I added that I was sure the King would so resent the foul practice of his partners, himself and Colonel Fletcher in respect of the grant of Maqua lands, that he

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would certainly cause the grant to be vacated and the parties to be prosecuted for fraud and for disturbing our friendly Indians, who venture their lives daily in our defence. Colonel Schuyler and Major Wessels did so frankly and genteelly resign their part in the grant that I told them that I would report it so as to redound to their reputation; and I told Mr. Dellius that he had not enabled me to do likewise for him. *Signed*, Bellomont.
 $2\frac{1}{2}$ pp.

822. iv. John Pyncheon and Samuel Partrigg to Governor Lord Bellomont. Northampton, 26 July, 1698. When the long war with the French was ended, we had hoped to live in peace; but contrary to our hope we are still attacked by the Skachkook Indians, four of whom (as we suppose) entered Hatfield Meadow on the 15th inst., killed two persons and carried away two more. Though nominally subjects of England, ostensibly friendly and frequently entertained in our towns, these Indians during the last ten years have committed several acts of hostility, sometimes alone, sometimes in conjunction with our enemies; and we have lost more men in this country by the treachery of these counterfeit friends than by the assaults of open enemies. In August, 1688, they slew six persons in Northampton. In June, 1693, they murdered six persons at Deerfield and scalped another, who is not thoroughly cured to this day. In July, 1694, Brookfield was attacked, seven persons killed and two captured; at least one of these bloody men was a Skachkook Indian. In 1695 six persons were shot at while riding in the highway in Deerfield Meadow, and one of them died of his wounds. In September, 1696, these Indians, among others, came to Deerfield, killed two persons, wounded three, and carried four into captivity. In the next month some of these Indians slew a man in Hadley woods, for which two of them suffered death. In June, 1697, they slew a man who belonged to Hatfield and sold his scalp in Canada. These Indians have plainly declared themselves to be a body of thieves and murderers, and if at any time they have given us assistance to destroy our enemies, it has not been from obedience or friendship, for at other times they have been ready to help our enemies to destroy us. It is indifferent to them whether they destroy French or English so they gain their prey and satisfy their blood-thirsty spirit. Sometimes they live at Skachkook, sometimes to eastward, intermarrying with the Eastern Indians, sometimes in Canada; and they live like beasts of prey upon the destruction of others. Governor Fletcher several times forbade them to come to these parts, but in contempt of his orders they have not only intruded themselves into our towns but have shed the blood of war in peace. They insinuate

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themselves, speak fair, promise much, yet they ever renew their bloody practices. We have nourished vipers that eat into our own bowels. They have made many fatherless, widows and widowers, and some families they have broken in pieces. Besides our own calamities, other tragical actions in remote districts are to be ascribed in part to them. Outrages are seldom committed wherein fewer or more of them have not a hand. We have no prospect of quietness in future, unless extraordinary methods be taken to procure it. We are kept in bondage by them. Our burden of watching and warding is so heavy that we dare not work in our fields or live in our lands a little remote from our towns. This country is put to great charge to maintain soldiers for garrisons and for pursuit of the Indians when they have done hurt. If they should solemnly promise better behaviour in future, our incredulity must be excused. They have never wronged themselves by keeping promises, though they have often wronged us by unfaithfulness. To heed their promises is to give them further opportunity for mischief. We appeal to you for protection, and that you will not allow these Indians to remain in a position to molest us. *Signed, John Pyncheon, Sam. Partrigg. Copy. 3 pp. Endorsed, Recd. 31 Oct. Read 14 Nov., 1698.*

822. v. Governor the Earl of Bellomont to Count de Frontenac. New York, 13 Aug., 1698. I have just arrived at the frontier, where, among other matters, I have held a conference with the Five Nations, who have begged me with great urgency to be continued under the protection of the King my master, and have protested inviolable fidelity to him. They complained of outrages committed upon them by your Canadian Indians, in breach of the treaty of peace, wherein they hold themselves to be comprehended as subjects of my King. They also complained to me that your people have killed and captured ninety-four of theirs since the publication of peace, which surprises me the more in that the Five Nations have always been regarded as English subjects, as may be proved by authentic and solid evidence, though your letter of 8 June last makes such proof useless, for you tell me positively that your orders on the subject of the Five Nations are so exact that you cannot exceed them without further orders. Messrs. Schuyler and Dellius, who brought me that letter, also assured me that you expressed yourself verbally to them in the same terms as in your letter. You are aware that the inroads and hostilities committed by your people upon our Indians before the last war were the principal reasons for my King's declaration of war against France, as the declaration sets forth; and I am astonished that you should continue war against our Indians, for it is a manifest infraction

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of the treaty. Thank God, my King has too great an insight into affairs and too high a spirit to renounce his rights, and for my part I hold his interest too dear to permit the least insult from your Indians to ours, much less to treat them as enemies. I have therefore ordered our Indians to be on their guard, and if they are attacked to retaliate upon all, whether French or Indians, and I have promised to give them help whenever they need it. Moreover, to enable them to defend themselves and repel those who attack them, I have given them ample supplies of arms and ammunition. You will observe that I make no concealment of my measures in respect of our Indians, feeling sure of the support of my King therein, conformably to right reason and the Law of Nations, which sanctions the meeting of force by force. To show you how lightly the Five Nations regard your Jesuit missionaries, I must inform you that they have repeatedly entreated me to remove those gentlemen from among them, protesting at the same time that they were burdened and worried by them against their will, and that they desired Protestant missionaries instead of yours to instruct them in the Christian religion. This I promised them, and you would be well advised to forbid your missionaries to interfere with them any more, unless they wish to incur the penalties prescribed by the laws of England, which I shall assuredly enforce upon any of them that fall into my hands; for the Indians have promised to bring their prisoners to me. If you do not put a stop to hostilities on your side they shall be retaliated upon, and the world will judge whether you or I are the more to blame, you for rekindling the war, or I for defending our Indians from your attacks and reducing your people to reason, being driven thereto by your infraction of the treaty. Our Indians are ready to surrender to me all the prisoners taken by them from you in the last war, numbering over one hundred by their account, on condition that I assure them the release of the prisoners of their nation detained by you; but I was unwilling to take this upon me until I had again ascertained your intentions thereupon. I did indeed restore to you four French prisoners which they brought into Orange (this was the name which Albany bore in Dutch days) with my passport for their conduct to Canada. If you consent to mutual exchange of prisoners, you would oblige me by so informing me, in order that I may collect such of your prisoners as are in the hands of our Indians. I am apprised from New England that your Indians have killed or scalped two Englishmen near the village of Hatfield about the 15th ult., when the poor men were busy over their harvest, unarmed, relying on the security given to them by the peace. One cannot hear of such barbarities

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without horror, and it is believed that your Indians are incited to them by your offered reward of fifty crowns (*écus*) for every scalp. I trust that you will excuse me for saying that this seems contrary to Christianity, and for expressing myself with some warmth and bitterness on the subject. There are certain matters wherein one cannot be too zealous in one's master's service, particularly when his crown and the peace of his subjects are in question. *Signed*, Bellomont.

The same to the same. 22 August, 1698. I was informed yesterday by two of our Onandaga Indians that you had sent to them two renegades of their tribe to inform the Five Nations (the Maquas excepted) that if they did not come to Canada within five and forty days to solicit peace, they must look for you to invade their country and constrain them thereto by force. I for my part have sent my Lieutenant-Governor this very day with the King's regular troops to oppose your intended expedition; and if need be, I will arm every man in the provinces of my Government to repel you and make reprisals for any injury that you do to our Indians. These, briefly stated, are the measures that I shall adopt, and this is the resolution which I have made; and I have thought it proper hereby to apprise you of the same. *Signed*, Bellomont. *Copies. The whole*, 2½ pp. *Endorsed*, Recd. 31 Oct., Read 16 Nov, 1698. *Entered in Board of Trade*. New York, 53. pp. 67-72.

822. vi. Instructions of Lord Bellomont to Captain and Lieutenant-Governor John Nanfan. Intelligence has been received that Count de Frontenac has threatened to attack the Five Nations unless they come within forty-five days to sue for peace. You will repair with your company to Albany and there await news that the French are actually on the march against the Five Nations or have invaded them, in either of which cases you will march with the whole of the forces in the King's pay at Albany and Senectady, and as many of the train-bands and militia of Albany and Ulster counties as you can collect, to join the Five Nations and fight the French. You will report all intelligence to me, and you will be particularly careful to encourage and cherish the Five Nations, and to see that they are not insulted by the soldiers or inhabitants. *Copy. Dated* 22 August, 1698. 1½ pp. *Endorsed as No. v.*

822. vii. Instructions of Governor Lord Bellomont to Major Dirck Wessels. You will repair with all speed to Albany, taking the Onandaga messengers with you, and thence proceed with all haste to the meeting of the Five Nations at Onandaga, taking the interpreter with you. There you will thank the Indians for their message and tell them that I have sent you express to them. You will then use every argument to dissuade them from any

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treaty with the French and urge them for the future to receive no messages from them. You will assure them of the King's protection, and tell them that I have sent express to Canada for our prisoners and that if they are not restored I shall complain to our King. If the French invade them, they are to attack them if the French be inferior in force; but, if not, they are to fall back on Albany, where I will succour them and endeavour to invade the French. You will do all that you can to keep them firm to us, and you will forbid them to hold any communication with the French except through me. *Copy. Dated 22 August, 1698. 2½ pp. Endorsed as No. v.*

822. viii. Instructions of Governor Lord Bellomont to Captain Johannes Schuyler. You will carry my letter with all despatch to the Governor of Canada, press for his reply and return with all speed to me. You will ask the Governor if he is making any preparations against the Five Nations, and you will sound such of those nations as are in Canada as to their readiness, upon encouragement, to return to their old homes. Do your best to ascertain the posture and numbers of the French, and what number of our Indians they have debauched from us. If on your arrival you find that the French are preparing to invade the Five Nations, you will send me information at once. If David Schuyler be not started for Canada, you will obtain from him my former letter to Count de Frontenac and deliver it. You will make your preparations for departure immediately on receipt hereof. *Copy. 1 p. Endorsed as No. v.*

822. ix. Account of the negotiations with the Five Nations at Onandaga on 22 August, 1698, by Dirck Wessels. 27 August. I arrived at Senectady from Albany. 28 August. Went forward and lay that night at the second Maquas' castle. The Sachems accompanied me to the third castle, where two deputies were appointed to accompany me. 29 August. Left the third castle; encamped in the woods, continued our journey next day, and on 31 August arrived at Oneida at night, where the deputies of the Oneidas were appointed to join me. 1 Sept. Arrived at Onandaga, where the Senecas and Cayouges were, but the deputies of the other tribes did not join us until the 3rd. 4 Sept. The Sachems of all Five Nations attended me, when I made them the declaration prescribed in my instructions. They seemed displeased when I spoke of their possible retreat to Albany and said "If we must war again, of what profit is the peace made by the great King?" I answered that I believed it would not come to war, but that it was a law of nature to repel invasion, and that I thought one cause of their fear was that they had refused to give up the French prisoners as required by Lord Bellomont.

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They answered that their messengers had twice gone from Albany to Canada, but that none of their prisoners were returned, therefore they thought it necessary to go to Canada themselves to see to it. I answered that Johannes Schuyler had already been sent by the Governor to see to it, and that if the Governor of Canada would not return the prisoners, he would be looked upon by the Great King as a breaker of the peace. They answered that this was no answer but mere words, but that they would consult, and in the evening of the 5th they returned me the following answer:—

Brother Corlaer, we have been considering the message from the Governor of Canada. We have resolved to obey your orders that none of us nor any prisoners shall go to Canada by way of Cadaraqui, but in eighteen days we will bring to Albany all of our prisoners that are inclined to go, and then with our whole house we will go all together to Canada to speak there face to face; for we keep firm the peace made by the Great King. We will accept no messages from Canada nor allow any Jesuits to come among us. We will hold fast the covenant-chain lately renewed at Albany, and we will send back the messenger for Canada without anything. But if meanwhile the enemy should fall upon us, you must bear the shame if any hurt come to us, since you hinder us from going to Canada now.

They afterwards asked me whether I thought this would please Lord Bellomont or not, since they promised all that he desired. I told them I believed not, because I could not persuade them wholly to desist from going to Canada, but that I would inform the Governor and obtain his orders. I told them, however, that they must not expect that anyone should go to Canada before Johannes Schuyler's return. I then waited until the 7th, when I saw them make the following answer to one of the messengers from Canada, viz., that they would return no prisoners by him, but would take them in eight days to Albany. I found, however, that one of the messengers had before my arrival taken one French woman back to Canada, and I found also some prisoners lately brought in by a small company of the Five Nations, which had been out nearly a year, and I learned that on the lake they met a canoe with four French, three Indians and a squaw. One of the French they shot, as he would not surrender, and the rest they brought in. One was at Onandaga, one at Oneida and the rest with the Senecas. These prisoners will be brought into Albany. They told me that they carried letters from the Governor of Canada to call in all Frenchmen from among the Five Nations, but that they had thrown the letters overboard. On the 7th I set out for Albany and

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arrived there on the 11th of September. *Copy.* 4 pp.
Endorsed as No. v. [Board of Trade. New York, 8.
 Nos. 1, 1 i.-ix.; and (without enclosures), 53. pp. 54-56.]

Sept. 14. **823.** Abstract of the preceding letter of Lord Bellomont to Council of Trade and Plantations. 2 pp. [Board of Trade. New York, 8. No. 2.]

Sept. 14. **824.** Archibald Hutcheson to William Popple. Mr. Edward Walrond, in all the papers laid before you and in his petition to the King and to the Lords Justices, has been very careful to say that the motive of his action was zeal for the common good. I have lately received information which may throw light upon this. The Justices before whom Captain Arthur's trial came on had power to adjourn or defer it, and they knew it, for they did actually defer another trial at the same Sessions. Mr. Walrond was one of the justices at these Sessions, and his remonstrance was not written upon Arthur's trial, but brought by him ready written and delivered before the petty jury had brought in their verdict. He knew that material witnesses were absent and that depositions would be insufficient evidence, for he was senior justice and gave his opinion that they were not sufficient evidence. This seems to me to prove that Mr. Walrond has little real regard for the King's honour or the public good. I would go so far as to say that he hoped for Arthur's acquittal in order to found therein an accusation against Governor Codrington. But what places the matter beyond dispute is this. Before Arthur's trial Walrond showed his remonstrance to Mr. Blake (who is lately arrived in London) saying that here was a fair opportunity against the Governor, if Arthur were acquitted, and that he should not fail to seize it. Walrond being a client of Blake's, Blake did not betray this but for the use which Walrond has made of his contrivance. I need not go into Mr. Walrond's further complaints against the Council of Trade of the ruin to which their delay subjects him at Governor Codrington's hands. His account of the affair of his recognisance is a prevarication. He did not, as he alleges, answer the objections against him satisfactorily, and for that reason he was bound over. He insinuates that he was bound for words spoken by him as a justice and because he sent him complaints against the Governor, but the real reason was that he was guilty of scandalous defamation of the Governor. He has now forfeited his recognizance for that reason and no other. *Signed,* Arch. Hutcheson. *P.S.*—Mr. Walrond not only intends to petition the House of Commons against Governor Codrington, but is trying to engage the Spanish Ambassador in a prosecution against him. *3½ closely written pages. Endorsed, Reed. Read 15 Sept., 1698.* [Board of Trade. Leeward Islands, 5. No. 118.]

Sept. 15. **825.** Nathaniel Blakiston to William Popple. To excuse myself from any backwardness in proceeding to Maryland, I must explain that a clause of my commission was referred by the Lords Justices to the Attorney-General and Sir Charles Hedges to be adjusted, and I cannot find any way to get these gentlemen to meet about it. The paragraph has been before them five weeks, and if I am detained longer than the end of this month I shall submit it

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to the Council's orders, whether they will think it reasonable to send me at a season when I shall encounter nothing but storms, and very likely be driven to Barbados or Jamaica as Lord Bellomont was. As for myself I have little or nothing to do, and would ask to be despatched before the time of year is spent. I have hired a ship, which by contract is to sail within fourteen days. If she be delayed, the charge for demurrage will be insupportable to me. *Signed*, N. Blakiston. 1 p. *Endorsed*, Recd. Read 19 Sept., 1698. [*Board of Trade*. Maryland, 3. No. 56.]

Sept. 15.
Whitehall.

826. Order of the Lords Justices of England in Council. Approving the draft of an additional instruction to Governor Nicholson, and ordering it to be prepared for signature. *Copy*. $\frac{1}{2}$ p. *Endorsed*, Recd. 19 Sept., 1698. [*Board of Trade*. Virginia, 6. No. 64; and 37. p. 265.]

Sept. 16.
Philadelphia.

827. Robert Quarry to Council of Trade and Plantations. The Government here has in its hands considerable of the effects of the pirates whom it permitted to escape. I am writing a full account of the foul and black proceeding to you. My commission empowers me to take all pirates' goods into the custody of the Admiralty, but I cannot be surprised that it is not observed when even Acts of Parliament are disobeyed. Lately a French pirate ship with eighty men landed and plundered a place in this province, and has taken eight or nine ships. English subjects have no protection from this Government, but are exposed to misery and ruin from pirates at sea and Indians on land, and all for want of a militia, which they will not admit, otherwise it would have been easy to have taken this pirate ship, which stayed here above a week. There were convenient ships and brisk men able to have fought ten times that force, but after most of the time had been spent in considering, the Governor ordered drums to beat for volunteers, but would not allow them the benefit of the plunder. There was little likelihood of getting men that way, under no obligation of a law. Many men are ready and desirous to defend the country if the Governor would commission fit men to command, and to exercise them. Now, on this occasion in their distress they send to the King's Governor for aid and assistance, though they disobey his laws and affront his authority. *Signed*, Robt. Quarry. $1\frac{1}{2}$ pp. *Endorsed*, Recd. 21, Read 22 Nov., 1698. [*Board of Trade*. Proprieties, 2. No. 33; and 25. pp. 270-272.]

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828. Minutes of Council of Montserrat. Order for the servant women who were caught running away with a canoe to be whipped on the bare back with not exceeding thirty-nine lashes, to be restored to their masters until their term be completed, and to be then sold for four years more to compensate the master for his expense and for the loss of their labour. [*Board of Trade*. Leeward Islands, 64. p. 535.]

Sept. 19.

829. Minutes of Council of Bermuda. Stephen Crow, late sheriff, brought up his accounts of the public money, and the balance lying in his hands, being £61 11s. 6d. Order for the

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accounts of all stores and ammunition to be brought in at the end of the week, and the accounts of all fines on this day fortnight. [*Board of Trade*. Bermuda, 39. p. 3.]

Sept. 19. **830.** Journal of Council of Trade and Plantations. The Secretary laid a list of papers relating to New York, Massachusetts, New Hampshire, Connecticut, Virginia, Pennsylvania and Barbados; all of which have yet to be considered.

Colonel Delavall's letter of 29 July, reporting Governor Codrington's death, read. Order for a representation to be prepared as to the succession to the Government of the Leeward Islands thereupon.

Colonel Blakiston's letter of 15th inst. read (*No.* 825). The Secretary was ordered to inform him that the Board has done its part, and that he must make application elsewhere in the matters which he mentions.

New York papers further considered.

Sept. 20. The representation upon Governor Codrington's death was signed.

New York papers further considered.

Sept. 21. Mr. Yard's letter about the expedition against pirates, and the devolution of the Government of the Leeward Islands, dated yesterday, was read.

Sept. 22. A second representation upon the devolution of the Government of the Leeward Islands was signed.

On the second part of Mr. Yard's letter, it was ordered that Captains Dampier and Warren be summoned to attend on Monday, and that the Attorney-General be directed to draft a commission and proclamation for the service of the expedition against pirates.

Sept. 23. New York papers further considered. [*Board of Trade*. Journal, 11. pp. 217-228.]

Sept. 20. **831.** Patent for Thomas Laurence, Esq., to be Secretary of Maryland. *Copy*, 2½ pp. *Endorsed*, 13 Oct., 1698. [*Board of Trade*. Maryland, 3. *No.* 57; and 9. pp. 222-224.]

Sept. 20. **832.** Mr. Yard to Council of Trade and Plantations. The Whitehall. King having approved the draft instructions to the Commissioners who are to accompany Captain Warren's squadron, and decided certain other points, I enclose you copy of Mr. Blathwayt's letter on the subject. The Lords Justices now desire that a proclamation, commission, and instructions may be drawn up for signature, pursuant to the drafts and to the orders in Mr. Blathwayt's letter. You may consult the Attorney and Solicitor-General thereon, if you think fit. You will communicate the instructions and proclamation to the Commissioners upon their applying to you. As regards your representation in relation to the Government of the Leeward Islands, the Lords Justices approve your recommendation to place the Government for the present in the hands of Major William Burt and the Council of Nevis; and you will cause the necessary powers and instructions to be prepared. *Signed*, R. Yard. 2 pp. *Endorsed*, Recd. Read 21 Sept., 1698. *Enclosed*,

832. 1. William Blathwayt to Mr. Yard. Loo, 1st September, 1698. The draft powers and instructions for the Commissioners to be sent with Captain Warren's squadron

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have been approved by the King. He directs that the quorum shall be any three of the Commissioners or the major part of the survivors. He directs also that, whereas provision is made for the pardon of all pirates (who surrender themselves) for piracies committed *before* they receive notice of the offer of pardon, but none is made for those that shall commit piracy *after* such notice, a special time shall be appointed and declared, according to the several distances of places, after which any piracies committed shall render offenders incapable of pardon. The King judges such time to be more determinate and certain than any proof can be of their having or not having notice of the offer of pardon. *Copy.* 1½ pp. [*Board of Trade.* Plantations General, 4. Nos. 138, 138 1.; and (*without enclosure*) 34. pp. 343-344.]

Sept. 20. **833.** Memorandum of the receipt of the above letter from Mr. Yard. ¼ p. [*Board of Trade.* Leeward Islands, 5. No. 119.]

Sept. 20. **834.** Council of Trade and Plantations to the Lords Justices of England. We received yesterday from Captain Delavall a letter dated 29 July, reporting the death of Governor Codrington, on 19 July, and certain doubts that had arisen as to the devolution of his authority. In our opinion the authority of Lieutenant-General Hill, who had a commission to succeed in case of the Governor's death but is also dead, devolves upon the President and Council of Nevis. Nevertheless, to save any prejudice that may arise from disputes, we think that some speedy directions should be given, and we recommend that William Burt be confirmed as President of the Council of Nevis, and that he with that Council take upon them the Government of the Leeward Islands till further order. *Signed,* Ph. Meadows, John Pollexfen, Jo. Locke, Abr. Hill. [*Board of Trade.* Leeward Islands, 45. pp. 281-285.]

Sept. 21. **835.** Governor the Earl of Bellomont to Council of Trade and Plantations. I send muster-rolls of the four companies under my command. I was myself present at the musters, and took every care that they should be exact, and yet I am not sure whether I am not wrong in allowing myself the privilege exercised by Colonel Fletcher of mustering all my servants. I made this difference, however, that I mustered no negroes, as he did, nor put in three fictitious names of men (which is the number of servants allowed to each captain by the King) and that over and above all his servants. I muster seven servants, and if they be thought too many I am willing to stand corrected. I shall continue to send exact muster-rolls every six months and should do so oftener but that for half the year frost and snow hinders communication with the garrisons of Albany and Senectady. Pray intercede with the King that the rest of the captains and myself may be paid for full companies, otherwise it will be impossible for us to recruit from England, the service here being under that vast discredit, owing to former mismanagement, that no

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man will enlist. Since it is not our fault that the companies are not full, I am sure that the King will more easily consent. While I was at Albany I received the enclosed petition from the chaplain and other officers of the four companies to get off the grievous deduction of 30 per cent., which has all this while been a great discouragement to the service in this country where all things, both for the belly and for the back, are very near treble the rates that they are in England.

While I was at Albany, Mr. Brooke started for England; and for ten days or a fortnight before his going all the factious merchants in the town resorted to him at the house of Captain Willson, the late sheriff, where Brooke has boarded for several years, and there caballed until one or two o'clock in the morning. They all made their compliments to him at his lodging and attended him in a body to the shore and some of them even to the ship. I appeal to you whether Brooke would not have been as odious to the merchants, had he done his duty during the seven years of his Collectorship, as I was for the first week after my arrival for seizing the ship *Fortune* and the East India goods. I send an account of those goods and of other seizures made since my coming. I shall shortly prove to you by his accounts, besides the evidence already sent to you, that he was false to his trust, and that there was a plain combination between him and Colonel Fletcher to deceive the King and the province of as much money as they could; and I am most confident that I shall be able to bring a charge of many thousand pounds to Colonel Fletcher's account. I cannot help complaining of the recall of the two men-of-war from under my command. It is of the last "mischievous" consequence to these provinces since it weakens the authority of the King's Government, favours unlawful trade and encourages piracy beyond all things that could have been thought of. The factious part of the merchants are sensible enough of this and have expressed their joy by saying that they hope never to see a man-of-war here again, to disturb their trade, as they call it. Some of them have been so impudent as to wish that they were in like case with Connecticut and the Jerseys, with no Governor from England and no fort to awe them in their trade. Some still more insolent have said that they will undertake to bring it about, for there is a project sent home from hence by Brooke, with assurance of a great sum of money if Colonel Fletcher, Gilbert Heathcote, the merchant, and Brooke can compass these things. They are as cocksure of carrying the point and turning me out of this Government as ever I was of eating a dinner in my own house; they do not stick to say it openly in the town and to spread it all the country over. I shall cheerfully submit whenever the King thinks fit to recall me, and if the factious merchants succeed in accomplishing this their joy will not be greater than my comfort, for I shall go away with a good conscience that I have been uncorrupt and have obeyed my orders to examine into the abuses of the late Government. I do not meanwhile contend for keeping this Government, for I shall prove to you later, when my health is better, that no man of quality who is honest can live on the profits of this Government. I do not see yet how I can make above £800 *per annum* of the salary and perquisites,

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though it is true that if I would make New York the mart of piracy, confederate with the merchants, wink at unlawful trade, pocket the off-reckonings, make £300 a year out of the victualling of the poor soldiers, muster half-companies, pack an assembly which would give me what money I pleased, and pocket a great part of the public moneys, I could make this Government more valuable than that of Ireland, which I believe is reckoned the best in the King's gift. The Admiralty's orders for recall of the two men-of-war are directed to their captains, so that I am not thought worthy to be acquainted therewith, and, what happens to be worse at this time, my power over them is so entirely superseded. The other day a pirate-ship came into the Delaware, took nine or ten ships and committed several robberies on the people of Pennsylvania. Captain Culliford (whom I spoke to first myself and afterwards summoned before the Council) absolutely refused to sail and attack them with his ship, saying that he had positive orders to go to England, and durst not go a step out of his way for fear of losing his commission. I enclose copy of Colonel Markham's letter concerning the pirate and other documents relating to the subject.

I must inform you that the French here are very factious and their number considerable. I submit it to your judgment how far it is safe to encourage them in this province, which is the key of all the rest, and the chief frontier towards Canada. At the last election they ran in with the Jacobite and have since been so insolent as to boast that they turned the scale and could balance the interests as they pleased. Thirty-three Frenchmen came to me at once to be denized, desiring to be comprehended in the Act of Denization without paying fees. I could have consented to that part, but I thought it prudent first to obtain your pleasure therein. Some French that passed for Protestants during the war have since been discerned to be Papists, and one could suspect that their business was to give intelligence to Canada. See my Lieutenant-Governor's letter enclosed. I remember Mr. Dellius telling me that Count de Frontenac owned to him that he had great part of his letters and intelligence from France by way of Boston all through the late war. Where I meet with a merchant among the French, who is known to be a good Protestant, I grant him letters of denization. I hear that the French have written for letters of denization for all the persons that I have delayed, as above reported, and for aught I know for many others also; and they say they will have them denized in spite of me. I have made no step yet towards charging the officers of the militia, the justices of the peace or the civil officers (excepting the displacing of Willson, the sheriff) but I find that it will be absolutely necessary, the persons now in office being mostly of ill character and disaffected to the King's Government. If I am not too late in this reform I fancy that with a little management, which shall be fair and on the square, I shall be able to compass the continuing of the revenue for five years longer, which was the time for which it was granted under Colonel Fletcher. When that is once done I shall make it my business to bring the parties to a balance. I see no reason why the English and Dutch, that are called of Leisler's party, should be any longer excluded from a share in the Government. They are reported to be

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two-thirds of the people of the province, and why they should be crushed and oppressed so long as they are obedient to the laws, I cannot see. I can also vouch it for true that they are a more sober, virtuous and well-affected people than the other party. The Jacobite party in this town have a club commonly every Saturday (which was Colonel Fletcher's club day) and last Saturday was se'nnight there met twenty-seven of them. Colonels Bayard and Minvielle, of the Council, Nicoll, late of the Council, and Willson, the late sheriff, are their leaders, and their rancour is such that I do not think it right for me to leave the province until I receive an answer from you to my former representations, for I verily believe that if I was to go hence the people would fall together by the ears. Moreover, my departure would give the faction great advantage and would tend much to the revenue's ceasing, while the measures which I have proposed to myself for continuing the present revenue would be frustrated. The faction knows this well, and is therefore very free in its wishes for my departure to my other governments. I am, however, of service here in two matters, notwithstanding my stay. One is the business of naval stores, which I animated by frequent letters to the other governments, and of which I receive hopeful accounts; the other is the making of peace with the Eastern Indians, who have been very uneasy to New England and New Hampshire during the last war. This I hope to effect through one Schuyler, who is very popular with the Skachkook River Indians, who, having been driven out of the eastern parts by the New Englanders, are still acknowledged by the Eastern Indians as part of themselves. Schuyler is speedily to travel to the eastern parts, taking with him some of the chiefs of our River Indians, by whose means he hopes to make a perpetual peace. He also designs to invite them to come away and live with our River Indians in this province. I keep this secret from the other governments until I know the result of Schuyler's negotiation. If he succeeds it will be certainly a most important service to the more easterly provinces.

You formerly sent me your orders to assert the privileges of this port against Perth-Amboy, and I issued a proclamation thereupon, to which Governor Basse of East Jersey issued a counter-proclamation. I sent for him and shewed him your orders in the Attorney-General's presence, yet he has since had the impudence and folly to say that he has never seen them and that he will maintain the port of Amboy by force. While I was at Albany he appeared before my Lieutenant-Governor and upheld the right of Amboy to be a port, producing copies (but no originals) of orders from the Treasury and Customs in England in support of his contention. I enclose copies of the Lieutenant-Governor's letter to me and of Colonel Basse's papers on the subject. I must add that when I shewed your orders to Colonel Basse and he urged the validity of his papers, I told him that if he could produce an authentic original order from the Lords of the Treasury or the Commissioners of Customs, constituting Perth-Amboy a port, I would not disturb any ships going into Amboy, provided they gave security to pay the New York duties, if, on my reference of the matter to you, your decision should be in favour of New York. I remember arguing with Colonel Basse the impossibility

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of the King's issuing his orders to me without the concurrence of some of the Lords of the Treasury, who, being members of the Council, would have set the King right if the matter was one wholly under the direction of the Treasury. Moreover, the Chancellor and Lord Chief Justice, being Councillors, would never have let such orders pass had they been against law. The enclosed affidavit of Mr. Hungerford, one of the Commissioners appointed to execute Mr. Brooke's office, will shew you how little respect Colonel Basse pays to the orders of the Government. I have already acquainted you with my inability to trust Sheriff Willson, in consequence of his behaviour on the seizure of certain East India goods, and of my being compelled to send soldiers to rescue the search-party. I now send a certificate proving that Willson had himself concealed East India goods and sold them. I should have had proof that Brooke was privy to Willson's receipt of these goods, and that most of them were conveyed to Willson's house before Brooke's face, but the party was afraid that he would be murdered if he should declare his knowledge of the matter. They are a most wicked, lawless and revengeful people here. I had not been here a fortnight before they threatened to murder Mr. Graham, the Attorney-General, and Mr. Weaver, upon imagination that I consulted them as to unlawful trade and Colonel Fletcher's maladministration. *Signed, Bellomont. 8 pp. Endorsed, Recd. Read 31 Oct., 1698. Enclosed,*

835. i. Muster-rolls of the four King's Companies of the New York Garrison. Earl of Bellomont's Company, 3 officers, 3 sergeants, 3 corporals, 2 drummers, 54 privates, besides the garrison-staff and two matrosses. New York, 10 August, 1698.

Captain John Nanfan's Company. Lieutenants Riggs and Charles Oliver, 3 sergeants, 3 corporals, 2 drummers, 43 privates. Albany, 28 July, 1698.

Major Richard Ingoldsby's Company. Lieutenant Shanke, 3 sergeants, 3 corporals, 2 drummers, 45 privates. Albany, 28 July, 1698.

Captain James Weems's Company. Lieutenant Daniel Hunt, 3 sergeants, 3 corporals, 2 drummers, 61 privates. Albany, 28 July, 1698. *The officers' servants, three for each captain and one for each subaltern, are reckoned as privates. Four sheets, each inscribed, Recd. 31 Oct. Read 17 Nov., 1698.*

835. ii. Petition of Symon Smith, chaplain to the King's forces in New York, Captain James Weems, and Lieutenants Shanke, Hunt, Riggs, Oliver and John Buckley, to Governor the Earl of Bellomont. Notwithstanding our addresses to Colonel Fletcher for the removal of the deduction of 30 *per cent.* from our pay, and his promise to second them, the burden still remains on us. We should think it a hardship in England, where we are not denied the enjoyment of our friends, the benefit of the best conversation, or the prospect of preferment, and where necessities are good and cheap; but here, where every necessary is thrice the

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price of the same in England, we think it such a punishment that the King, if he knew it, would not inflict it on his enemies, much less on them who hold his commission. The maladministration of the late Government caused much desertion, for the men received no money but what the country gave them, clothes not sufficient to cover their nakedness, and provisions such as an hungry dog would scarce eat, but which we for want of money have been forced to eat. Wherefore lest we be driven to dishonour our commissions or to bring contempt on the King's service, we beg you to intercede for the removal of this burden from us. 1 p. *Endorsed as No. 1.*

835. III. Copy of the accounts of seizures made during Lord Bellomont's government at New York. East India goods, £599 12s. 4d., less costs £104 19s. 0d., giving to the King, the Governor and the Collector each a share of £164 17s. 6d. Ship Fortune, £297, less costs £160 19s. 5d. Three shares, each £45 6s. 10d. Two boats and two sloops, £100 17s. 6d. Governor's share (deducting two shares remitted), £9 7s. 10d. 10 pp. *Endorsed as No. 1.*

835. IV. Copy of a letter from Governor Markham to Governor Lord Bellomont. Philadelphia, 31 August, 1698. I received the enclosed report last night. I hope that you will order H.M.S. Fowey to view the coast. ½ p.

Copy of enclosure in the above. Luke Watson and three others to Governor Markham. Lewis, 28 August, 1698. Late on Friday afternoon a small snug ship and a sloop came to within the Capes, not wholly undescried but little dreaded, which proved to be an enemy and French. Yesterday morning they landed about fifty well-armed men and plundered nearly every house in the town, breaking open doors and chests and carrying off not only money, goods and merchandise, but rugs and bed-covering, leaving hardly anything in the place to cover or wear. They brought two English prisoners ashore with them bound, one of them known to be son of John Redwood of Philadelphia, so we suppose the sloop to be his. They all went on board last night, after killing several sheep and hogs, and are still at anchor in the bay opposite to the town, as close in as the water will let them ride. We expect them to land again to-morrow to kill more cattle or burn the houses. They lie ready for all mischief inward or outward, by land or water. Their sloop is now in chase of a brigantine, which we hope will outsail them. They are beggarly rogues and will plunder for a trifle, and we think they may tarry long enough for the men-of-war at New York to notice. They took about eleven of the chief of our town prisoners, and when they had made them help to ship their plunder, released them all except one. This place is in great danger and very naked

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for defence. We hope we need not repeat the calamities aforesaid, nor the terror that has fallen upon us. $1\frac{1}{4}$ pp.

Copy of a letter from Governor Markham to Governor Lord Bellomont. Philadelphia, 2 September, 1698. The pirate mentioned in mine of 31st ult. is still about the Capes, and has plundered a ship inward bound from Holland and chased a pink. She is a barque of about 80 tons, with two guns and eighty-five men. She came out of Rappahannock bound for England, when these rogues took her and threw all her tobacco overboard except three hogsheads. They wait for a vessel fit for their turn, being bound to the Red Sea, and they have intelligence of one inward bound. She has on board ten Scots, seven English and three Dutch. We hope you will order the Fowey to cruise on our coast; she could do as much service to New York as to us by plying between Sandy Hook and Delaware Capes. The pirates have taken nine vessels since they came from the West Indies. P.S.—Some of the prisoners released by the pirates have been with me. They report that there are no English on board her except two whom they have impressed, one Irishman only, and the rest French. $\frac{3}{4}$ p.

Copy of Minutes of Council of New York, 2 September, 1698. As to the refusal of Captain Culliford, R.N., to sail in search of the pirate-ship in the Delaware, he having positive orders to sail direct to England. $\frac{3}{4}$ p.

Copy of a letter from Governor Lord Bellomont to Governor Markham. New York, 2 September, 1698. Regretting that he cannot order either of the men-of-war to cruise for the pirate in Delaware Bay, as both are under orders for England and he himself has no control over them. $\frac{1}{2}$ p. *The whole endorsed as No. 1.*

835. v. Extract of a letter from Lieutenant-Governor Nanfan to Governor Lord Bellomont. Albany, 12 September, 1698. There is here a Frenchman and papist to whom you gave a pass for himself and family to go to Canada, his own name only being mentioned. He has several vagabond priests with him. Colonel Schuyler desired me to detain him till something is heard from you or from his brother, for he gives him a very ill character. I have dissuaded the Mayor from leaving the town for the present at this juncture. $\frac{1}{2}$ p. *Endorsed as No. 1.*

835. vi. A collection of papers relating to the controversy as to the opening of the port of Amboy.

(a) Copy of Minutes of Council of New York, 23 July, 1698. Recording the presence of Governor Basse of East Jersey at the Council, and his arguments in favour of the freedom of the port of Amboy. $2\frac{1}{4}$ pp.

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(b) Copy of a letter from Lieutenant-Governor Nanfan, New York, 24 July, 1698. Forwarding the Minutes of Council of 23rd and asking for his orders.

(c) Copy of letter from the King to the Proprietors of East New Jersey, 22 April, 1697. Enjoining upon them strict enforcement of the Acts of Trade. This was produced by Governor Basse in support of his contention for the port of Amboy. 1 p.

(d) Copy of a report from the Commissioners of Customs to the Treasury, 31 August, 1697. Recommending the allowance of Amboy and other ports in East and West Jersey. Produced, as document (c), by Governor Basse. 2½ pp.

(e) Copy of a letter from the Commissioners of Customs to Edward Randolph, 21 October, 1697. Giving him directions as to Amboy and other appointed and privileged ports of New Jersey. Produced, as document (c), by Governor Basse. 1 p.

(f) Copy of a Commission of the Commissioners of Customs, dated 21 November, 1696, appointing a Collector for the port of Amboy. Produced, as document (c), by Governor Basse. 1 p.

(g) Copy of a proclamation of King Charles II., 23 November, 1683, for establishing the authority of the proprietors of East New Jersey within that province. Produced, as document (c), by Governor Basse.

(h) Deposition of Ducie Hungerford. To the effect that he was ordered to Amboy to seize a sloop which was loading and unloading there without previous entry at New York Custom-house, but that he was prevented by the violence of the people, including two of Governor Basse's servants, and finally haled with violence before a Justice. This Justice refused to admit the validity of Lord Bellomont's recent proclamation in New Jersey, and charged him with riot. Finally, deponent after some hours in custody was released, and returned to New York without effecting the seizure. 2 pp.

835. vii. Certificate of Edward Randolph as to intelligence given to him of the purchase of East India goods from Captain Willson, late sheriff of New York. *Copy.* 1 p. *The whole of the enclosures endorsed*, Recd. 31 Oct. Read 17 Nov., 1698. [*Board of Trade.* New York, 8. Nos. 2, 2 i.-vii.; (and without enclosures), 53. pp. 73-86.]

Sept. 21.] **836.** Abstract of the foregoing letter from Lord Bellomont to Council of Trade and Plantations. 3 pp. [*Board of Trade.* New York, 8. No. 3.]

Sept. 21. **837.** Minutes of Council of New York. The Governor (being indisposed) sent a message to the Council to communicate to them that the Indians had resolved to go to Canada by way of Albany and treat with the Count de Frontenac. Order for all prudent methods to be used to stop them and to detain the prisoners and Frenchmen at Albany. [*Board of Trade.* New York, 72. p. 133.]

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Sept. 22. **838.** Minutes of Council of Massachusetts. James Convers and John Alden appointed to negotiate with the Eastern Indians for release of the English prisoners in their hands. A collection ordered in all congregations for relief of some New England men, prisoners in Barbary. [*Board of Trade.* New England, 49. p. 175.]
- Sept. 22. **839.** William Popple to the Attorney and Solicitor-General. Forwarding the Acts passed by the Assembly of Massachusetts in the session of 1698 and by the Assembly of New York between 28 June, 1695, and 23 April, 1697, for their opinion. *Here follows a list of the Acts.* [*Board of Trade.* New York, 52. pp. 452-454.]
- Sept. 22.
Whitehall. **840.** William Popple to the Attorney and Solicitor-General. Forwarding heads for a commission to the Commissioners for the expedition to reduce the pirates in the East Indies, and of a proclamation offering pardon to pirates, to be prepared. *Here follow, the heads of the commission or powers to be given to the Commissioners and the heads of the proclamation as in No. 806, except that in the 3rd head of the proclamation pardon is refused for all piracies committed after notice of the King's pardon, and for all piracies committed in any place west of the Island of Socatora after 1 February next, in any place from Socatora eastward as far as Cape Comorin after 1 March next, and in any place eastward of Cape Comorin after 1 April next.* [*Board of Trade.* Plantations General, 34. pp. 345-347.]
- Sept. 22.
Whitehall. **841.** Council of Trade and Plantations to the Lords Justices of England. We have received your instructions to prepare the necessary powers and instructions for the President and Council of Nevis on taking over the Government of the Leeward Islands; but we see no reason to add to Governor Codrington's instructions, under which the President and Council already exercise the authority given by his commission. We think, therefore, that it will suffice to confirm William Burt as President, and direct the Council to assume its duties, as may be done by an ordinary letter in the usual form. *Here follows a draft letter.* In case of mishap a copy of Governor Codrington's commissions and instructions should be sent with the latter. *Signed,* Ph. Meadows, John Pollexfen, Jo. Locke, Abr. Hill. [*Board of Trade.* Leeward Islands, 45. pp. 285-290.]
- Sep. 22-23. **842.** Minutes of Council and Assembly of Antigua. On the request of the Assembly a writ was issued for the election of a new member for the Assembly. Further messages were exchanged as to the Registry Act. Act to prevent intermarriage of Protestants and Roman Catholics received by the Council, and a joint committee appointed to consider the Council's amendments thereto. Petition of John Lucas, that looking to the order of the Council of Trade as to his bail, a judgment adverse to him may be reversed, without need for further appeal to Whitehall. Petition of Richard Backeridge, Commissioner of Prizes, to recover certain prizes from John Perrie and others, referred to the Council of Nevis. [*Board of Trade.* Leeward Islands, 64. pp. 279-283.]

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Sept. 22. **843.** Minutes of Council of Barbados. On intelligence of two pirate vessels, of twenty guns and eight guns, at Tobago, the Governor reported that he had ordered out H.M.S. Speedwell with twenty additional seamen and thirty soldiers, and a good vessel to be taken up to accompany her. The papers concerning the affair were sent down to the Assembly. Major Thomas Garth's petition for the subsisting of his company for two or three months recommended to the Assembly; who made answer that they could not be security for any further supply. A conference was then held over the Tobago affair, when the Council said that they believed the Speedwell would be strong enough to engage the pirate, if the Assembly would supply provisions for the additional seamen and the soldiers.
Leave granted to Tobias Frere to go to St. Lucia, wearing the King's Jack and pendant (except in sight of the King's forts and frigates) and to bring in any Indians that desired to treat for peace. Copy of his instructions. Orders for sundry payments. A convicted murderer reprieved. [*Board of Trade*. Barbados, 65. pp. 370-374.]
- Sept. 22. **844.** Journal of Assembly of Barbados. Thomas Maxwell again chosen Speaker. Bill for further provision for white servants received and consideration deferred. The Assembly waited on the Governor, who recommended the despatch of a man-of-war and a hired brigantine to suppress certain pirates at Tobago. The House agreed that the man-of-war should be sent at once, and that they would reimburse the Governor for the hire of the brigantine.
- Sept. 23. Bill to continue the Act for an impost on liquors passed. [*Board of Trade*. Barbados, 65. pp. 311-313.]
- Sept. 25. **845.** George Gamble to John Lucas. I am surprised to hear that you sail to-morrow, but I send my best wishes, and I enclose the remonstrance of the Assembly of Antigua (see No. 747) for you to lay before the Council of Trade in case the original should not have reached them. I send it open, though you are acquainted with its contents, that you may peruse it again. When you have done so, pray enclose it in a clean piece of paper and address it to the Council of Trade. I hope that it may prove effectual. You know that most of our mischiefs arise from being governed by a general both in peace and war. A meeting or two more of the Representatives will, I think, afford them an opportunity to acquaint the Council of Trade thereof. They have already shewn their care of us by calling one before them to set forth the hardships which he has suffered—I mean your afflicted self. *Copy*. 1½ pp. *Inscribed*, Returned to Mr. Lucas pursuant to order of 28 March, 1699. [*Board of Trade*. Leeward Islands, 5. No. 120.]
- [Sept. 26.] **846.** A collection of papers handed in by Mr. Weaver, Agent for New York, on 26 September, 1698.
846. 1. Deposition of Jacob Boolen and others to the effect that at the last election Ebenezer Willson, sheriff of New York, would not allow the votes of the freeholders of Orange County to be recorded. 1 p. *Endorsed*, Read 27 Sept., 1698.

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846. II. Copy of a report from the Attorney-General of New York to Lord Bellomont, 20 April, 1698. In the spring of 1698, Edward Coates, the pirate, after some hovering off the eastern end of Long Island, sent an emissary ashore, who through Mr. Nicoll obtained access to Governor Fletcher and permission for the ships to come into New York. Nicoll and Ebenezer Willson boarded the pirate at Long Island. Many of the crew dispersed, but those that remained gave the ship to Governor Fletcher and also bought from him protection at the price (it was said) of 100 dollars apiece. *Copy. 1 p. Endorsed as No. 1.*
846. III. Copy of a report from the Attorney-General of New York to Governor Lord Bellomont, 4 May, 1698. As to the pirates, Captains Tew and Hore, who obtained commissions from Governor Fletcher, Tew had been roving in the Red Sea and in the East Indies, and had made much money. He brought his spoil to Rhode Island, and his crew dispersed to Boston, where they shewed themselves publicly. In 1694 or 1695, Tew came to New York, where Governor Fletcher entertained him and drove him in his coach, though Tew publicly declared that he would make another voyage to the Red Sea and make New York his port of return. He had no ship when he received his commission from Governor Fletcher, but fitted out a sloop in Rhode Island, whence he sailed to the Red Sea and there died or was killed. His crew picked up another ship at Madagascar. Hore came first from the East Indies and took his prizes to Rhode Island. He came to New York and gave out that he was bound for the Red Sea, which procured him many men, and obtained a commission from Governor Fletcher. He died or was killed in the Red Sea; his ship lies sunk at Madagascar and his crew was dispersed, though some are said to have come in the ship *Fortune*, now under seizure. *1 p. Endorsed, Read 26 Sept., 1698.*
846. IV. Memorial of Captain Richard Culliford. As to his searching Major Selleck's house in Connecticut for East India goods, the Major's resistance to the seizure of the said goods, and subsequent concealment of them. *2 pp. Endorsed as No. 1.*
846. V. Address of the Mayor and Common Council of New York to Governor Lord Bellomont. The decay of our trade in late years is attributable, among other things, to the grievous law which deprived us of the sole right of bolting flour and baking biscuit for export, and placed the market thereof at every planter's door, to the ruin and confusion of those who had laid out their estates in this city in reliance thereon. The Act in depriving us of this right has taken away the livelihood of two-thirds of the people in this city and transferred it to about thirty persons in the rest of the province.

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Formerly New York was the granary of these parts; now it cannot procure corn enough in store for the daily bread of the inhabitants. While the present unhappy Act is in force, it will be impossible to reduce the bakers to any kind of order, since they claim the same benefit as every farmer is entitled to under it. Our trade in flour and biscuit to the West Indies is in such disrepute that it will not yield so much by four or five shillings a hundred as that which comes from other parts; it is so subject to corruption (for there can be no inspection while there is so great a latitude for bolting) that probably the whole trade will perish in four or five years. We beg, therefore, for the repeal of the obnoxious Act against unlawful by-laws and unreasonable forfeitures, which has brought about this state of things. *Nine signatures. 1 p. Endorsed as No. 1.*

846. vi. Certificate to the authenticity of the papers which follow, under the seal of New York city. *Signed, Will. Merrett, Mayor. List of the said documents. 2 pp. Endorsement, referring to the whole of the said papers, Read 28 September, 1698.*
846. vii. Copy of a General Commission to the Mayor and Aldermen of New York, to enforce the by-laws of the Corporation. 12 June, 1665. 3 pp.
846. viii. Copy of a warrant for seizure of flour imported into New York. 18 April, 1683. 1 p.
846. ix. Copy of an order of the Governor of New York in Council, prohibiting the bolting of flour except in New York. 17 and 20 January, 1679-1680. 1 p.
846. x. Copy of a warrant for the seizure of all flour imported into New York City. 23 April, 1683. 1 p.
846. xi. Copy of a petition of the Mayor and Common Council of New York to Governor Dongan. 9 November, 1683. Asking for certain reforms in the constitution of the Corporation. 3 large pp.
846. xii. Copy of an order of Governor Dongan, assenting to the reforms proposed by the Mayor, subject to the signification of the Duke of York's pleasure. 10 December, 1683. $\frac{1}{2}$ p.
846. xiii. Copy of a by-law of the Common Council of New York. That all bakers shall brand their casks before exposing flour for sale, and that no flour whatever be imported into New York. $\frac{1}{2}$ p.
846. xiv. Copy of a petition of the Mayor and Common Council of New York to Governor Dongan. 17 March, 1683-4. For confirmation of the former sole right of bolting, making and packing flour and biscuit, for sale or export, to New York City. $1\frac{1}{4}$ pp.
846. xv. Copy of the reasons presented to the Governor by the Mayor and Common Council in favour of the foregoing petition, 6 April, 1684. The manufacture of flour and biscuit is the chief support of New York trade, and keeps up the price of flour and bread to the farmer. $2\frac{1}{2}$ pp.

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846. xvi. Proclamation of the Governor and Council of New York, 22 May, 1684. Prohibiting the bolting or packing of flour and bread made for transportation in any place except New York City. $1\frac{1}{4}$ pp.
846. xvii. Petition of the Mayor and Common Council of New York to Governor Fletcher. That he will order the Royal confirmation of the City's charter, and confirm the sole right of bolting and packing flour to New York. 4 pp.
846. xviii. Copy of the opinion of the Judges of the Supreme Court of New York in favour of the City's privilege as to bolting flour. 1 p.
846. xix. Address of the Mayor and Common Council of New York to Governor Fletcher. Giving him thanks and asking his acceptance of a cup of gold. 3 pp.
846. xx. Copy of a letter from the Recorder of New York to a Committee of the Common Council, 21 December, 1696. A long discussion as to the terms in which the King shall be addressed for the repeal of the law which destroys New York's privileges in the sole right to bolt flour; the said terms having given rise to many heats at the last meeting of the Common Council. *Signed*, Ja. Graham. 8 pp.
846. xxi. Reasons in defence of the rights and privileges of New York. It appears from this that in the Dutch days the jealousy of the Government for the trade of New York was such that the inhabitants on the Hudson and Long Island were not allowed to pursue husbandry without paying one-tenth of their produce to the Government, while the planters themselves were obliged to follow the trade of husbandry only and Albany was strictly confined to the fur-trade. These regulations were relaxed by the British Government; and the husbandmen, growing rich from the high prices given by the New York merchants for their produce under their old privileges, now clamour for the ruin of the city and for every homestead to become a market. It is, however, necessary to confine the bolting of flour to a place in order to check adulteration and corruption, and for that one place none is so suitable as New York. 18 pp. *Sealed with the City's seal and signed*, Will. Merrett.
846. xxii. The case of the City of New York. This sets forth the rise of the city's sole privilege of bolting flour, and the destruction of that privilege in 1694. "Through this libertism of trade and confusion of market the whole Government is reduced into an anarchy, every man doing what seemeth good in his own eyes; and particularly they that bolt flour in the country" have corrupted it with a mixture of other grain that has spoiled the reputation of New York flour in the West Indian market. When bolting began in 1678, there were but 343 houses in New York; in 1696 there were 594 new buildings

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added, which is all to be attributed to the bolting trade. The revenue in 1678-1680 did not exceed £2,000 a year; in 1687 it rose to £5,000. Since 1694, this revenue has decreased. There were in 1670 3 ships, 7 boats and 8 sloops; in 1694, 60 ships, 40 boats, 62 sloops; but since then navigation has decayed. In 1678 not above 400 beeves were killed, in 1694 there were 4,000. Of 903 houses built in New York since bolting began, 600 depend on bolting. In King's, Queen's and Ulster Counties there are not above 30 bolters, which exhaust all the wheat of those counties for their private gain; so that to feed 30 families 600 must perish in New York. There are not 500 families in the three counties; there are 8,000 souls in New York. Unless the Act which deprives the city of her privileges be repealed, the revenue will fall, the navigation will decrease, the granary at New York for emergencies will perish, the buildings at New York will fall to decay, the people will desert, the Government will be embarrassed by poverty, money will pass to neighbour provinces, and "all things reduced to confusion even to the dissolution of the province."

6½ pp.

846. xxiii. Minutes of a meeting of the Common Council of New York, 17 November, 1696. The Mayor represented the low stock of corn in the City, not exceeding one week's maintenance. The Council resolved that this was due to the abolition of the City's sole privilege of bolting flour, and a committee was appointed to draw up a representation accordingly. *Copy certified by the Mayor under the Corporate seal.* 3 pp.

846. xxiv. A second certificate of the Mayor of New York, under the Corporate seal, for authentication of the documents that follow. 7 July, 1698. 1 p.

846. xxv. Copy of the articles of the surrender of New York to Colonel Richard Nicolls, 27 August, 1664. 4 pp.

846. xxvi. Proclamation of Governor Sir Edmund Andros for confirming the rights, properties and privileges in New York. *Copy.* 1 p. *The whole of the above endorsed, Recd. from Mr. Weaver, 26 Sept., 1698. [Board of Trade. New York, 8. Nos. 4, 41.-xxvi.]*

Sept. 26. 847. A collection of papers relating to the dispute between New York and Connecticut as to boundaries.

847. i. Copy of the agreement between the Commissioners of York and Connecticut as to boundaries. 10 October, 1684. 2½ pp.

Copy of a Minute of Council of Connecticut of 25 Nov., 1683, respecting the question of the boundary. 1 p.

847. ii. The Boundary-Commissioners of New York to Governor the Earl of Bellomont. Pursuant to your orders we attended Major Jonathan Selleck, Captain Nathaniel Gold and Mr. Richard Edwards, the Commissioners

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appointed by the Governor and Council of Connecticut to treat with us as to their pretended right to the towns of Rye and Bedford. First they cited the settlement of 1664 (*given at length*), and insisted that Rye and Bedford, being to the east of the bounds then settled, were within the government of Connecticut. We contested this, on the distances named in the same document and by the written declaration of a former Secretary of New York. We also quoted a settlement of 28 November, 1683 (*given at length*), and an order made thereupon by the Governor and Council of Connecticut of 3 December, 1683 (*given at length*), requiring the inhabitants of the town of Rye to surrender themselves to the Government of New York. This the said inhabitants did. We also insisted that it was the opinion of the General Court of Connecticut that Rye and Bedford were in the Government of New York, since when they reassumed their charter in 1689 they did not require the inhabitants of those towns to come under their Government. To this the Commissioners of Connecticut replied that their Commissioners had no power to make such an agreement as that of 1683. We answered that it only confirmed the agreement of 1664, and that if they took this ground we should insist on the Duke of York's patent, which extends the boundary of New York eastward as far as Connecticut River. They replied that their patent was older and gave them all this province to the South Sea. We rejoined that we took over all Dutch rights when New York was conquered and that the patent granted by the States-General in 1621 fixed the boundaries of New York at Connecticut River and Delaware River, and that this was confirmed to the Duke of York by King Charles II. They then broke up, and said that they would treat no further, but would address you in writing. It appears to us, upon the whole matter, that the towns of Rye and Bedford belong to New York under the agreements both of 1664 and 1683, and that if Connecticut declines to be bound by these, then the right of New York to them is established by the Duke of York's patent. We are therefore of opinion that the abetting of the revolt of Rye and Bedford by the General Court of Connecticut was a violence committed upon the King's Government, and that they owe satisfaction for the same. *Signed*, N. Bayard, S. van Cortlandt, Ja. Graham. 11 pp. *Endorsed*, Recd. 26 Sept., 1698, from Mr. Weaver. Read 21 Feb., 1699-1700. *Entered in Board of Trade*. New York, 52. pp. 455-468.

847. III. Report of the Commissioners for Connecticut on the dispute over the boundaries of that Colony and New York. The following are the grounds on which we rest our claim to the towns of Rye and Bedford. For some time after the granting of our charter our western

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boundary was so vague that it could be taken to include the whole province of New York. In 1664 King Charles II. appointed Commissioners to settle this boundary, which was accordingly done; and this settlement remained undisturbed until Colonel Dongan became Governor of New York, who undeniably challenged the just rights of Connecticut on our western boundary, and sent us threatening letters. Thereupon there was an unhappy condescension on Connecticut's part, yet not without a proviso subjecting the matter to the approbation of King Charles II. and the Duke of York. It might be thought strange that we should thus have given way, unless we consider the doubtful and fearful face of that day when a papist Governor made demands on behalf of his papist master, the Duke of York; but it will seem the less strange seeing that the gentlemen of Connecticut under the same fear shortly afterwards yielded up the whole Colony to another Government. It does not appear that these gentlemen had any power to alter the boundary of Connecticut nor did the agreement ever receive the sanction of King Charles and the Duke of York—a condition which cannot now be fulfilled—and therefore the whole concession and the claims founded thereon are null and void. Moreover, King William on his accession declared his resolution to restore the property of his subjects, and since these towns of Rye and Bedford claimed their privileges under the charter of Connecticut, we have adopted them, at the same time obliging them to pay all arrears justly due to New York. *Signed*, Jonathan Selleck, Nathan Gold, Richard Edwards. *Certified copy, endorsed by Lord Bellomont*, Delivered to me 28 June, 1698. *Further endorsed as No. II. Entered in Board of Trade*. New York, 52. pp. 468-472. [*Board of Trade*. New York. Nos. 5 I.-III.]

Sept. 26.
Whitehall.

848. Secretary Vernon to Council of Trade and Plantations. Forwarding copy of a letter written by John Bridger to the Admiralty, for consideration. *Signed*, Ja. Vernon. $\frac{1}{4}$ p. *Endorsed*, Recd. 27, Read 28 Sept., 1698. *Enclosed*,

848. 1. John Bridger to the Admiralty. Boston, 22 July, 1698. I send account of what I have done here and at Piscataqua, and am now going thither to prepare the trees for the fall of the year to make pitch and tar, having a true account how they make it in the east country. The enclosed orders I obtained after much trouble and solicitation, having none to assist me here, where I found the greatest obstructions. Mr. Jackson, being still at York, never gave me any assistance by letters or otherwise, though my instructions tell me that he was to shew me the country, obtain for me the favour of the Government and give me all information. He received as much money as I did, after all my

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waiting and solicitation at the various offices, and now never comes near me. I have gone through all the difficult parts without him. The rest we shall do with ease, for he knows nothing of my business and is only acquainted with the people. Mr. Partridge, Governor of Piscataqua, was very ready and immediately gave me the enclosed order. I am now going there again as far as our guard will enable us, which will not be far owing to the continued hostility of the Indians. I have run through all the difficult part of the business myself; though there were four of us appointed, Jackson, Partridge, and Furzer who is dead, so that I am obliged to do all myself and ride night and day. I enclose a proposition from one Mons. Denys to the French King. He lives in Nova Scotia and was taken by our privateers, when this was found among his papers. 1 p. *Over page*, Copy of Lieutenant-Governor Partridge's order to raise sixty men to escort John Bridger while inspecting the forests. 14 June, 1698. $\frac{1}{2}$ p.

848. II. Mons. Denys to the King of France. I was so struck with the majesty of your presence when I went to present you with a fox more rare than fine, which came from one of your dominions, that I forgot to say to you what charges you have been at for Quebec, and how much more requisite it would be to incur some expense, though less, in New France from the entrance of the St. Lawrence to the English Plantation. One-fourth of what you have spent at Quebec will put New France into such a condition that it will yield more in one year than Quebec in forty. The country is extraordinary good for wine, salt and corn, full of woods fit for building ships and making pitch and tar. Again, trade may be carried on in salt fish, herrings, mackerel and salmon, now supplied to us by England and Holland. Once settled, this would bring you in near two millions *per annum*, and would be a nursery for seamen for your fleet. I might add much more, but beg you to grant me a hearing. *Translation*. $1\frac{1}{2}$ pp. [*Board of Trade*. New England, 9. Nos. 35, 35 i., ii.; and 37. pp. 33-39.]

- Sept. 26. 849. Minutes of Council of Massachusetts. The instructions to the gentlemen appointed to negotiate with the Eastern Indies were approved. [*Board of Trade*. New England, 49. p. 176.]

- Sept. 26. 850. Journal of Council of Trade and Plantations. List of papers from Virginia and Jamaica received since last meeting.

Captain Dampier was asked to consider the time that would be occupied in the sailing of the expedition against pirates, and to bring his answer in writing. Order for Mr. Blackborne to send any master or pilot acquainted with the coasts to the Board.

Mr. Richard Cary delivered a letter of 22 July from the Council of Nevis, and the abstract of a letter of 14 July concerning Mr. Barry Tankard's sloop Nos. 674, 692).

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Lord Bellomont's papers were further considered; and additional papers concerning New York were received from Mr. Weaver.

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Mr. Weaver attending, gave information that some hundreds of pirates had received protection from Governor Fletcher. He said that the sheriffs complained that the elections for last Assembly chose generally men of no great figure, and made statements as to the great tracts of land granted unconditionally by Governor Fletcher.

Captain Dampier handed in a letter as to the navigation from India to Cape Comorin, dated this day (*see next abstract*); and added that after the ships are got round to east of the Cape of Good Hope they may be sure of good winds if they keep about thirty leagues from the shore.

Sept. 28.

Mr. Vernon's letter of 26th inst. with enclosures concerning naval stores in New England read (*No.* 848).

Captain Barloe, an East India commander, gave information as to the voyage to Cape Comorin.

New York papers further considered, and directions given for a representation thereupon.

Sept. 30.

At the instance of the Board Mr. Secretary Vernon gave orders for Humphrey Perkins, master of the ship Frederick, to be brought before the Board on Tuesday week, saying that he would also attend himself on that day.

Letter to the President and Council of Nevis, as to the devolution of the Government of the Leeward Islands upon them, signed.

Several further papers were received from Mr. Weaver and laid before the Board. [*Board of Trade. Journal*, 11. pp. 229-239.]

Sept. 27.

851. Captain William Dampier to William Popple. The Council of Trade yesterday asked me. (1) How long a ship might be running from England to Madagascar at this time of year? I answered that to the best of my judgment it might be done in three months and a half. (2) How long a ship might be in passing from Madagascar to the Red Sea? I could not answer this without consulting my papers, and I now inform you that since, according to the best of my information, on the coast of Madagascar the winds are at N.E. and N.N.E. from the end of January to the end of May (which is right against them) the voyage could not be performed in less than two months. (3) How long a ship might be in passing from the Red Sea to Cape Comorin? This depends upon the setting in of the western monsoon. In the Red Sea this falls out in May, when you may pass in a month, but you cannot bridge that way earlier. Thus if a ship leave England in November, she may reach Madagascar by the middle of February and the Red Sea about the middle of April. She must then wait about a month for the monsoon and about the middle of June she will reach Cape Comorin, a week or two sooner or later according to the setting in of the monsoon. *Signed*, Wm. Dampier. 1 p. *Endorsed*, Recd. Read 27 Sept., 1698. [*Board of Trade. Plantations General*, 4. *No.* 139; and 34. pp. 347-348.]

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Sept. 27.
H.M.S.
Winchester.
St. John's
Harbour,
Newfound-
land.

852. Commodore Norris to Council of Trade and Plantations. I enclose an abstract of all the shipping, of the planters and inhabitants, and of the fish they have made this year. I hope to answer your queries in my next. Nothing has arrived this year for the further fortifying of St. Johns, and the Ordnance office having sent no money for the subsistence of the gunners, they are put to hardship to clothe themselves for the winter. *Signed, Jno. Norris.*
 $\frac{1}{2}$ p. *Endorsed, Recd. Read 31 Oct., 1698. Enclosed,*

852. i. Abstract of the planters and boat-keepers in Newfoundland, and of their voyages for the year 1698. Forty-three settlements, 284 planters, 1,894 servants, 176 women, 286 children. Quantity of fish made by the inhabitants and servants, 101,152 [? quintals]. Boats belonging to the inhabitants, 397. Number of inhabitants designed to stay this year in the country, 1,416. Boats sent fishing this winter, 20. *Large sheet. Endorsed as the letter.*

852. ii. Abstracts of the ships and of their voyages in Newfoundland for the year 1698. Total number of harbours, 28; ships, 252; tonnage, 24,318; number of people brought over to fish, 935; number of boats kept a-fishing, 532; number of quintals of fish made, 114,770; number of quintals of fish purchased, 157,845; number of quintals carried to market, 265,198; number of men that stay in the country, 477. *Note.*—There is no distinction how many ships were fishing-ships, how many sack-ships, and how many went to market. *The figures above given represent the gross totals; but the items for each harbour are given distinctly.* 1 p. *Endorsed as No. i. [Board of Trade. Newfoundland, 3. Nos. 125, 125 i.-ii.; and 25. pp. 255-258.]*

Sept. 27. **853.** Minutes of Council of Barbados. Act for an impost on imported liquors read thrice and passed. Samuel Maynard sworn member of the Assembly. *[Board of Trade. Barbados, 65. pp. 374-375.]*

Sept. 27. **854.** Journal of Assembly of Barbados. Several members fined for absence. No quorum. *[Board of Trade. Barbados, 65. pp. 313-314.]*

Sept. 28. **855.** Minutes of Council of New York. David Jamison dismissed from being Clerk of the Council and Barne Cosens sworn in his stead. Messrs. Bayard, Minivell, and Laurence were then acquainted with their suspension, and order was given to apprise by letter Colonel Willett and Townley that they were suspended likewise. Abraham Depeyster, Robert Livingston and Samuel Staats were then sworn of the Council.

Sept. 29. Frederick Phillips resigned his place in Council and Robert Walters was sworn in his stead. John Depeyster and Isaac Dereymer appointed Mayor and Sheriff of New York for the ensuing year. *[Board of Trade. New York, 72. pp. 134-136.]*

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 Sept. 28. **856.** Journal of General Assembly of Virginia. Councillors were appointed to administer the oaths to the Burgesses and to their clerk.
- Sept. 29. Message to the Burgesses to choose their Speaker.
- Sept. 30. The Burgesses attending presented William Randolph as their Speaker, who was approved. The Governor then delivered his speech, recommending the passing of an Act against pirates, consideration of the debt on the King's revenue, the settlement of ferries, the restraint of drunkenness and immorality, and the question of the qualifications of jurymen for the General Court. [*Board of Trade.* Virginia, 52. pp. 60-63.]
- Sept. 28. **857.** Journal of House of Burgesses of Virginia. The burgesses to the number of thirty-four were sworn, and sent a message to the Governor that they awaited his commands.
- Sept. 29. The House proceeded to the election of a Speaker, but after nomination of five persons adjourned the debate till the morrow.
- Sept. 30. William Randolph elected Speaker. His speech on taking the chair. The House attended the Governor who approved the Speaker and delivered his speech. Committee of elections and privileges appointed; door-keepers appointed and orders of the House approved.
- Oct. 1. Copy of the Governor's speech was received and read. The Committee of elections made its report on the returns of the elections by the sheriffs. John Keeton, one of the members elected for Nancymond, being a foreigner, and not a native of England or Ireland, it was resolved to consider his capacity to sit at next meeting. Committees of claims and grievances appointed. [*Board of Trade.* Virginia, 52. pp. 324-333.]
- Sept. 29. **858.** Minutes of Council of Virginia. Four members present. The Governor mentioned the heads of his speech to the Burgesses, viz., to recommend an Act against pirates, the consideration of the debt on the revenue, and the questions of ferries, of the sale of strong liquors and qualifications of jurymen. All other questions were postponed to a further Council. [*Board of Trade.* Virginia, 53. p. 137.]
- [Sept. 29.] **859.** A collection of papers respecting Governor Fletcher's grants of land, referred to in Lord Bellomont's letter of 21 September, 1698.
859. i. Copy of Governor Fletcher's grant of fifty miles of the Mohawks' [Maquas'] land to William Pinhorne, Peter Schuyler, Godfrey Delliuss, Dirck Wessels and Evert Banker, 31 July, 1697. 1½ pp.
859. ii. Petition of the Recorder and Common Council of Albany to Governor Lord Bellomont. Pointing out the mischief of the aforesaid grant and the damage which it does on the frontier and to the City of Albany, and praying that it may be voided.
- Order of Governor Lord Bellomont, 13 April, 1698, appointing the 16th of May as the day for hearing the petitioners. Copies. 2½ pp.

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859. iii. Copy of Peter Schuyler's resignation of his share in the aforesaid grant, 19 April, 1698. 1 p.
859. iv. Copy of Dirck Wessels's resignation of his share in the aforesaid grant, 19 April, 1698. 1 p.
859. v. Record of the examination and answers of Henry and Joseph, Maquas, as to their part in alienating the Maquas' land referred to. Already abstracted in No. 822 ii. *This is the original document signed by the Indians. Henry's mark represents some description of quadruped, Joseph's some description of biped.* 2½ pp.
859. vi. Memorial of Jans Bleeker and Ryer Shermerhoorn, on behalf of the city and county of Albany, to Governor Lord Bellomont. Praying for the vacation of the grant of Maquas' land, as it will drive that tribe into the arms of the French. With all the help that was given by the Five Nations the English of New York were hard bested to protect their frontier during the last war. 2¼ pp. *Copy.*
859. vii. Report of Governor Lord Bellomont upon the grant of the Maquas' land aforesaid. On the 16th of May I was attended by the petitioners of Albany (*see* No. 822 ii.), who produced their evidence in support of their petition. I directed a copy of the petition to be sent to the five grantees and ordered them to attend me in Council in their own defence on two several days. Since they did not appear I took the evidence of the petitioners and of two Maquas. Upon the whole matter I am of opinion that the consent of the Indians to the alienation of their land was obtained surreptitiously and upon false pretences, and that the grant is therefore in itself void. Looking to this and to the evil that will ensue if the grant be upheld, I am of opinion that no settlement shall be made by the grantees on the said land until the signification of the King's pleasure. *Signed, Bellomont.* 2 pp.
859. viii. Copy of a letter from Peter Schuyler and Godfrey Dellius to Governor Lord Bellomont, 6 April, 1698. Four messengers from the Cayouges and Senecas have come here to report the return of the messengers of the Onandagas and Oneidas, which were sent to Canada last fall to treat of peace. No peace was concluded, as the three other nations were not represented, on which they have agreed to send messengers from all the nations, except the Maquas, with whom the Governor of Canada will have nothing to do because they act according to your directions. This message was authenticated by presents of beaver-skins and wampam, which are herewith sent to you. We have used every argument with the messengers to dissuade the Five Natives from treating with the French, as we hope, effectually; and we have thought it best to stop their proceedings and invite the chief sachems to meet you here in forty days. We beg for your instructions. 1 p.

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859. ix. Copy of the Minutes of a Conference held with the Five Nations at Albany on 16th May, 1698, enclosed in a letter from Dirck Wessels to Governor Lord Bellomont. The Indians, in answer to questions, contradicted the report that they intended to make a separate peace with the Governor of Canada and disclaimed any idea of underhand dealing with him. The Commissioners at Albany, in reply, accepted the excuse, and urged them to send or receive no messenger directly to or from Canada until they had consulted the Governor of New York. 3 pp. *The whole of the above papers endorsed*, Recd. 29 Sept., 1698, from Mr. Weaver; Read 30 Sept., 1698. *Enclosures* vi., vii., viii. are entered in *Board of Trade*. New York, 52. pp. 571-481. [*Board of Trade*. New York, 8. Nos. 6 i.-ix.]

Sept. 29. 860. A collection of papers relating to Governor Fletcher's traffic with pirates.

860. i. Deposition of John and Hannah Hutchins. That they had heard Coats the pirate say that it had cost him £1,300 to obtain his protection from Governor Fletcher. *Certified copy*. 1 p.

860. ii. List of the Commissions granted by Governor Fletcher to the pirates. Thomas Tew and Rich Glover in 1694, John Hore in 1695 and Thomas Moston in 1696. 1 p.

860. iii. Copy of the Charter-party between Daniel Peterse of the ship *Fortune* and her freighters, merchants of New York. *Certified copy*. 3 pp. *The whole of the above papers endorsed*, Recd. 29 Sept. from Mr. Weaver, Read 30 Sept., 1698. [*Board of Trade*. New York, 8. Nos. 7 i.-iii; and (Nos. i. and ii. only) 52. pp. 483, 486.]

Sept. 29. 861. Order of the Lords Justices of England in Council. Whitehall. Approving the report of the Council of Trade on the devolution of the Government of the Leeward Islands upon Governor Codrington's death, and ordering a letter to be prepared vesting the Government for the time in President Burt and the Council of Nevis. *Copy*. 1 p. *Endorsed*, Read 10 Oct., 1698. [*Board of Trade*. Leeward Islands, 5. No. 121; and 45. pp. 298-299.]

Sept. 29. 862. Lords Justices of England to the President and Council Whitehall. of Nevis. Confirming William Burt as President of the Council, and directing him and his Council to take upon them the Government of the Leeward Islands pursuant to Governor Codrington's commission and instructions. *Countersigned*, R. Yard. [*Board of Trade*. Leeward Islands, 45. pp. 290-293.]

Sept. 29. 863. Order of the Lords Justices of England in Council. Whitehall. Referring a petition of Sir Thomas Laurence to the Council of Trade for report. *Signed*, Wm. Bridgeman. $\frac{1}{2}$ p. *Attached*,
863. i. Petition of Sir Thomas Laurence to the Lords Justices in Council. For the restoration of the £150, profits and records belonging to the place of President

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of the Council of Maryland, which were wrongfully taken from him. 1 p. *The whole endorsed*, Reed. Read 4 Oct., 1698. [*Board of Trade*. Maryland, 3. Nos. 58, 58 1.; and 9. pp. 213-216.]

Sept. 29.
Whitehall.

864. Order of the Lords Justices of England in Council. Approving the Draft Commission for Nathaniel Blakiston to be Governor of Maryland, with one clause amended in Council. 1 p. *Attached*,

864. 1. Copy of the amended clause, empowering the Governor to grant commissions to officers of ships to execute martial law on board ship in time of war. 1 p. *The whole endorsed*, Read 11 Oct., 1698. [*Board of Trade*, Maryland, 3. Nos. 59, 59 1.; and 9. pp. 217-219.]

Sept. 29.

865. Order of the Lords Justices of England in Council. Approving draft instructions to Nathaniel Blakiston and directing them to be prepared for signature. [*Board of Trade*. Maryland, 3. No. 60; and 9. p. 220.]

Sept. 30.
Whitehall.

866. Council of Trade and Plantations to the President and Council of Nevis. We received news of Governor Codrington's death before receipt of yours of 22 July; and the Lords Justices upon our representations have decided that his authority devolves upon you. Their letter to you is enclosed. *Signed*, Ph. Meadows, John Pollexfen, Jo. Locke. [*Board of Trade*. Leeward Islands, 45. pp. 295-296.]

Oct. 3.
London.

867. Christopher Fowler to Council of Trade and Plantations. When Governor Grey assembled the Council on his arrival at Barbados his instructions were found to continue Richard Lillington as one of the Council. It should have been George Lillington, which error must be due to the Clerk, for there is no other person of the name of Lillington in the island. Pray give orders for the correction of the mistake. *Signed*, Christo. Fowler. 1 p. *Endorsed*, Reed. Read 21 Oct., 1698. [*Board of Trade*. Barbados, 7. No. 70; and 44. pp. 222-223.]

Oct. 3.

868. Journal of House of Burgesses of Virginia. The usual orders were given as to the sitting of the Committee of Claims. Resolved that John Keeton, being naturalised under an Act of Assembly of 1679, is qualified to sit as a burgess. Committee of the whole house on the Governor's speech, Colonel Philip Ludwell in the chair, when it was resolved that a bill against pirates should be prepared, and that the other questions touched on by the Governor be referred to the Committee of Grievances. Several grievances, propositions and petitions were referred to the Committee of Grievances.

Oct. 4.

Several petitions and claims referred to the Committees of Claims and Grievances.

Oct. 5.

Certain election returns were amended, and propositions read and referred.

Oct. 6.

The Committee of Elections reported as to a disputed return, and the Committee of Grievances, on bringing up its report, was

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directed to prepare a bill to ascertain the value of coin. Resolved to consider the question of the Council sitting as judges without being sworn as such, in Committee of the whole house. Resolved that it is unnecessary to continue the Rangers. The House then attended the Governor by his summons, when he dissolved the Assembly.

The Governor in his speech declared the occasion of his doing so was an Act of Parliament (p. 63). [*Board of Trade*. Virginia, 52. pp. 333-340.]

Oct. 4.
Whitehall.

869. Instructions to Nathaniel Blakiston as Governor of Maryland. If the Assembly pass the threepence *per* hogshead duty for his maintenance during his term of office, he may accept it without asking leave. Collectors and Naval Officers are not to be different persons. Half of the two shillings *per* hogshead export-duty, and of the fourteen pence *per* ton on shipping is to go to Lord Baltimore. Power of impressing seamen is vested solely in him. He is to send home a list of the inhabitants, free and unfree, a yearly account of their increase or decrease, and ability to bear arms, and a map of the Province and of each county. *Countersigned*, Ja. Vernon. [*Board of Trade*. Maryland, 9. pp. 253-289.]

Oct. 4.

870. Minutes of Council of New York. Abraham Depeyster sworn as a Judge of the Supreme Court. James Spencer committed to the custody of the Mayor of New York for scandalous words against the Governor. Warrant for payment of a year's salary to Lieutenant Thomas Sharp, gunner of the fort at Albany. [*Board of Trade*. New York, 72. p. 141.]

Oct. 4.

871. Minutes of Council of Barbados. Orders for payments for imported servants and towards accommodating the Governor's servants. A question as to the sufficiency of a letter of denizenation was referred to the Solicitor-General. Address of the Assembly asking that their consent may be obtained to all orders for payments not according to the express uses specified by Acts. The case of the late Thomas Walrond's will considered.

Oct. 5.

Order for payment for the reward and cure of a boy wounded in action in 1696. Order that when bills are passed by the Assembly when the Council is not sitting, the Clerk of Council shall take charge of them and inform the Governor. The instructions to the law-officers as to the letter of denizenation narrowed to a single query, to which they returned their reply. [*Board of Trade*. Barbados, 65. pp. 375-378.]

Oct. 4.

872. Journal of Assembly of Barbados. The fines imposed on two members for absence were remitted. Address to the Governor and Council as to orders for payments (*see preceding abstract*). A letter from Francis Eyles laid by for consideration.

Oct. 5.

Bill for further provision of white servants read, debated and passed through its first reading. [*Board of Trade*. Barbados, 65. pp. 314-318.]

Oct. 4.

873. Memorial of Thomas Weaver, Agent for New York, to Council of Trade and Plantations. The four companies of the New

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York Garrison are so weak that they require 200 recruits, which cannot be supplied there. The want of a large number of troops to guard the frontier of Albany during the last war enabled the French to destroy great part of the province and might have brought about the loss of New York, and, with it, of the adjacent Colonies. The pay is subject to a deduction of 30 *per cent.*, which starves the privates and discourages the officers. I beg that recruits may be sent over immediately, or rather that, on Lord Bellomont's representation, a whole regiment may be sent over to secure the province if another war should break out and to secure the allegiance of the Indians, and that the pay of the forces there may be made equal to that of the King's forces in Europe. *Signed, T. Weaver. 1 p. Endorsed, Recd. Read 4 Oct., 1698. [Board of Trade. New York, 8. No. 8; and 52. pp. 493-494.]*

- Oct. 4. **874.** Journal of Council of Trade and Plantations. Humphrey Perkins attending gave evidence as to illegal shipping of goods from Madagascar, but denied that he had ever been in the East Indies till two or three years ago, or had ever sailed with the pirate Coates.

Sir Thomas Lawrence presented an Order in Council of 29th ult. upon a petition from him (No. 863) and was ordered to attend again to-morrow.

Memorial of Mr. Weaver as to the soldiers in New York read (No. 873).

Mr. Yeaman's letter of 25 July read (No. 696). Order for a duplicate of the Lords Justices' letters upon the devolution of the Government of the Leeward Islands to be sent to him.

Two letters from Mr. Randolph of 26 April and 16 May read (Nos. 404, 460). Order for the latter to be considered when there shall be any treaty with the French Commissioners upon boundaries in America.

- Oct. 5. Sir Thomas Laurence attending gave his arguments for claiming £150 as salary, he being senior member of Council on the death of Governor Copley.

- Oct. 6. The Proclamation and Commission for the Commissioners of the expedition against pirates laid before the Board. [*Board of Trade. Journal, 11. pp. 239-247.*]

- Oct. 5. **875.** Minutes of Council of Bermuda. The sheriff brought in the accounts of stores and of prices at quarter-sessions. Charles Walker, Samuel Trott and Thomas Harford appointed Auditors. [*Board of Trade. Bermuda, 39. pp. 3-4.*]

- Oct. 5. **876.** Minutes of Council of Virginia. Five members present. The Governor desired the Council's opinion as to the revision of the laws, the appointment of an Agent, and as to the election of a member, who was a native neither of Ireland nor of England, to the House of Burgesses.

- Oct. 6. The Council gave its opinion that the Member aforesaid came within the terms of the Act for regulation of the Plantation Trade, but that the Burgesses would hardly be prevailed with to discharge him; whereupon the Governor said that he could think of no other way but to give the Burgesses a recess.

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Oct. 7. Order for a proclamation prohibiting the entertainment of pirates and for seizing any such found in Virginia. Order for the Committee on the revision of the laws to make their report at next Council. Consideration of the Ports Act was postponed. A further letter of 6 September from the Governor of Maryland as to John Coode was read; whereupon the Council resolved that, the Governor having already issued his warrant for Coode's arrest, there was nothing further to be done. A survey of the land south of Blackwater Swamp was referred to the Trustees of the College for their approbation. Order for payment of tonnage-dues by ships. The question of the Rangers was deferred to next Council. [*Board of Trade. Virginia, 53. pp. 137-140.*]

Oct. 6. **877.** Minutes of Council of New York. Captain John Schuyler gave an account of his journey to Canada, reporting that the French had made no preparations for invading our Indians, and that though Count de Frontenac would not own the Governor's right to mediate for the release of Indian prisoners, yet that they would be released in a few days. Captain Schuyler was commended for his care and diligence in his mission. His account for his expenses and certain other accounts were referred to a committee. Order for a proclamation for a fast. The accounts of the expense of the Governor's journey to Albany and presents by the Indians were presented, amounting in all to £950. (*The items are given.*) Order for warrants for payment thereof, and for payment of sundry miscellaneous accounts, including £438 to Robert Livingston for bounty-money advanced to the forces at Albany, and smaller payments to him for other sums advanced to the troops and the fort at Albany.

Oct. 7. The Governor announced that he should observe the rule of England in appointing new mayors and sheriffs annually, and therewith appointed Hendrick Hanson to be mayor and John Groenendyck to be sheriff of Albany. The accounts of John Schuyler's journey to Canada were audited and payment ordered, the sum being £94, besides £20 as a gratuity to him and £10 to each of his three companions. Orders for two other payments. [*Board of Trade. New York, 72. pp. 142-149.*]

Oct. 6. **878.** Sir Thomas Laurence to Council of Trade and Plantations. I have applied for two Acts of Maryland, passed in 1694 and 1695, respecting the appointment of ports, but Mr. Popple informs me that they are in the hands of the Attorney-General. I beg your assistance in obtaining copies of them for the Commissioners of Customs. *Signed, Thomas Laurence. 1 p. Endorsed, Recd. Read 11 Oct., 1698. [Board of Trade. Maryland, 3. No. 61.]*

Oct. 6. **879.** Deposition of Humphrey Perkins of New York, mariner. Six years ago I sailed from New York to Curaçoa in a ketch of about 70 tons, belonging, I believe, to Abraham Depeyster, with a cargo of pork, beef, flour and pease, which was sold there. The ketch sank in the harbour there, and I took a passage to Barbados in a sloop which had brought rum, sugar and molasses from that island to Curaçoa. Sworn 6 October, 1698. 1 p. [*Board of Trade. New York, 8. No. 9.*]

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880. William Blathwayt to William Popple. I enclose you a declaration lately published by the French King, rather as a curiosity than by any order; yet there are passages, which I have marked, that deserve consideration by the Board either in order to some mitigation by the French or to warn our West India trade of the rigour with which they threaten us; for entry into their ports under stress of weather or other urgent occasions has never before been denied us. *Signed, W. Blathwayt. ½ p. Endorsed, Considered 10 Nov., 1698. Enclosed,*

880. 1. Printed copy of regulations issued by the King of France for the trade and navigation of the French Islands and Colonies of America. 12 articles. That marked by Blathwayt is article 5, which forbids all foreign vessels to enter French ports or to navigate in their neighbourhood, and prohibits Governors from admitting them on any pretext whatever. *Dated, 1½⁰ August, 1698. 8 pp. [Board of Trade. Plantations General, 4. Nos. 140, 1401; and 34. pp. 380-392.]*

[Oct. 10.] **881.** Draft of a commission prepared by the Attorney-General for the Commissioners to be sent with the expedition against pirates in the East Indies. This instrument empowers them to grant pardons, and to seize and dispose of pirates, ships, and goods. *2 pp. Endorsed, Recd. 7, Read 10 Oct., 1698. [Board of Trade. Plantations General, 4. No. 141; and 34. pp. 356-357.]*

[Oct. 10.] **882.** Draft of a proclamation offering pardon to pirates in the East Indies on surrendering. *2 pp. Endorsed, Recd. 7, Read 10 Oct., 1698.*

A second Draft of the same, fixing the dates after which those committed of piracy shall not be entitled to pardon, viz. pardon shall not be granted for piracies committed from the Cape of Good Hope eastward to the longitude of Socatora after 30 April, 1699, from the longitude of Socatora eastward to the longitude of Cape Comorin after 30 June, 1699, and from Cape Comorin eastward after 31 July, 1699. Henry Every is excepted from all pardon. *[Board of Trade. Plantations General, 4. Nos. 142, 143; and 34 pp.]*

Oct. 10. **883.** Minutes of Council of New York. The Minnesink Indians came to greet the Governor and desired his consent to their selling a tract of land, which was granted. Petition of Mary Milborne read, and the Clerk ordered to summon the persons named therein to give their evidence before Judge Smith. On the petition of Dyrek Vandenburg a reprieve was granted for his negro on condition that he be transported out of the country. Remission of quit-rent granted to Colonel William Smith until Ladyday last past for certain land which has since had fortifications built on it. *[Board of Trade. New York, 72. pp. 149-152.]*

Oct. 11. **884.** Journal of Assembly of Barbados. Thomas Maxwell again chosen Speaker. Supplemental Bill for provision of white servants rejected on second reading. The Committee on naval officers' fees explained that their delay in presenting their

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report was due to the absence of their chairman, whereupon provision was made for a deputy-chairman. [*Board of Trade*. Barbados, 65. pp. 318-319.]

Oct. 11. **885.** Journal of Council of Trade and Plantations. A private Act of Antigua was sent to the Attorney or Solicitor-General.

Three Orders in Council of 29th September, as to Colonel Blakiston's commission and instructions, and the devolution of the Government of the Leeward Islands, read (*Nos.* 861, 864, 865).

On a memorial of Sir Thomas Laurence of 6th inst. (*No.* 878) it was ordered that he may have the copies of the Acts for which he asks.

The Proclamation and Commission for the expedition against pirates were altered, according to order, and a representation thereupon directed to be drawn.

Oct. 13. The representation mentioned on the 11th was signed.

Sir Thomas Laurence presented a patent for his son to be Secretary of Maryland, and desired the Board's instructions to him thereupon. Order for a letter of instructions to be prepared.

Oct. 14. Order given for a representation upon Sir Thomas Laurence's claim of £150. The instructions to Mr. Thomas Laurence as Secretary were delivered to him.

Mr. Jahleel Brenton's memorial as to privateers' commissions in Rhode Island read (*No.* 896), and order given for a letter to be prepared to the Government of Rhode Island thereupon.

Resolved to consider Lord Bellomont's letters on Monday, without suffering any other business to intervene. [*Board of Trade*. Journal, 11. pp. 247-253.]

Oct. 12. **886.** Colonel Romer's report to Lord Bellomont on the
New York. fortifications of New York. I send the plans of the several works which I have designed [*missing*]. If any works be begun during my absence, the lime burned out of stone at Albany is not sufficiently good for the work, as it does not dissolve itself—I suggest the following method for dissolving it. *Here follow elaborate details as to the method, and further details as to the building of the forts.* There are only ten iron guns and a few brass fit for service at New York; the rest are honey-combed and unserviceable. Signed, Wolfgang William Romer. 3 pp. Enclosed,

886. i. A drawing of the engine for making lime. [*America and West Indies.* 579. *Nos.* 44, 44 i.]

Oct. 13. **887.** William Popple to the Solicitor-General. Enclosing a
Whitehall. private Act of Antigua concerning Nicholas Rainsford's estate, for his opinion. [*Board of Trade*. Leeward Islands, 45. pp. 299-300.]

Oct. 13. **888.** William Popple to the Attorney-General. Sir Thomas
Whitehall. Laurence has applied for copies of two of the Acts of Maryland now in your hands. The Council of Trade direct me again to desire your despatch of these Acts, but has no objection to the furnishing of the copies requested by Sir Thomas Laurence. [*Board of Trade*. Maryland, 9. p. 221.]

Oct. 13. **889.** Council of Trade and Plantations to Lords Justices of
Whitehall. England. We submit to you drafts of a proclamation, commission

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and instructions for the Commissioners of the expedition for the suppression of pirates in the East Indies (*see No. 882*). The limitations of time set down are based on the supposition that the squadron will sail from England about the end of November next, so that, if it should sail any considerable time sooner or later, alterations should be made accordingly. As to the ordering and commanding of the squadron, we have according to your orders left that untouched, as belonging properly to the Commander-in-Chief, according to the directions that he may receive from the Admiralty. *Signed*, Ph. Meadows. John Pollexfen, Jo. Locke, Abr. Hill. [*Board of Trade. Plantations General, 34. pp. 349-350.*]

Oct. 13.
Jamaica.

890. Governor Sir William Beeston to Council of Trade and Plantations. Since my last I have received yours of 21 March and 19 May. The law for importation of servants in this island is in force, and there is money in the Treasury to discharge the passages of those who come over freely and are to be free on their arrival, which is a great encouragement, but our Agents in England have not caused it to be known there by publishing the clause of the Act, otherwise, doubtless, more would have come over on that encouragement. I have already told you that we have no privateers on the island, nor have any of the pirates ever offered to come here since I refused to receive a present from Every's men; nor shall any be countenanced nor encouraged while I am here. What we want chiefly, now there is peace, is to fill the country with people, so that it shall produce trade and Customs and be able to defend itself in case of war. To do this our Agents ought to print and publish the Act, to encourage all they can to come over; but then I must needs confess that many unhappily die soon after their arrival of the fever, which still follows these parts, in July, August and September and is yet hard upon us. For this we want some able physicians, for our doctors (as we call them), save but very few that come under their hands. As a further example of the prejudice which the islands suffer from the frequent change of the Patent-officers' deputies, Mr. Chaplin, who is now manager of the Treasury, has brought it out of debt, yet has not put the quit-rents into any method nor has any encouragement to do it, because he hears that others in England are dealing with the patentees to manage that office. Hereby the revenue and the country suffer much, and why a man should be removed, who understands his duty and has done it very well, to make room for one who does not, seems to me not very reasonable. The accounts of exportation were sent by the Naval Officer to the Commissioners of Customs, and I did not know that you expected them from me, else I should not have failed therein. I am now sending the accounts up to last September, and other papers showing the produce, income, officers and military strength of the island. I must again beg your orders as to the disposal of the money which I have reported to be in the Commissary's hands from the sale of stores. There is also about £1,000 remaining of the fund for the soldiers. I continue to pay them, having no orders to the contrary, but it is so much lost, for it does them no good but to make them drunk once in two months when they come to receive it. I have been a great husband of that money as

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also of the island's revenue, else after so great an expense and so little an income as the war created, it could not have got out of debt in so short a time. The Assembly which met on 27 September is now sitting, and I hope will raise again the Acts for additional duty on wines imported and negroes exported, the produce of which I intend to spend on erecting fortifications in places where they are requisite. I enclose herewith the names of the Assembly and a copy of my speech to them at the opening of the session, and I hope they will do well; all things so far seem fair and unanimous amongst them. The Barlovento fleet (as is their custom when they can overpower) have taken and carried some of our trading vessels from hence, for no reason that I can hear of. I have sent a ship to Carthagena in hopes to meet them there and demand reparation, and have written to the Governor for the same purpose. That ship has already lost several of her men. The Maidstone I have sent to the coast of Hispaniola, who have turned pirates, and often take our vessels going that way. I am obliged, for their safety, to send them cruising any way rather than let them lie in port, where the men get drunk and by that sickness and death. I have consulted the Council as to your recommendation on Captain Tyrrell's behalf, and we have agreed to send an Act to the Assembly to indemnify him, considering his great losses, but with a proviso to ensure that he shall be liable to pay the right heir, should he ever appear. *Signed*, Wm. Beeston. *Holograph*. 2 pp. *Endorsed*, Recd. 30 Dec., 1698, Read 6 Feb., 1698-9. *Enclosed*,

890. I. List of the members of the Assembly of Jamaica, thirty-five in all. $1\frac{1}{4}$ pp.

Copy of Sir William Beeston's speech on opening the session. $1\frac{1}{4}$ pp.

890. II. State of the Island of Jamaica in the month of September, 1698.

List of the Council. Peter Beckford, Peter Heywood, Nicholas Lawes, Charles Knight, Henry Lowe, Charles Chaplin, Thomas Ayscough, Richard Dawkins, James Banister, Josiah Heathcote.

List of the Members of Assembly.

Judges of the High Court. Nicholas Lawes, Thomas Ayscough, Peter Heywood, Henry Lowe, John Walters.

List of the Justices for the several parishes, and the Judges of the Parish Courts.

List of the Patent Officers, viz. :—

Leonard Campeere, Receiver General; Charles Chaplin, his deputy.

John Baber, Secretary; Man Brodrick, „ „

Sir Richard Derham, Clerk of Chancery; John Holbrooke, „ „

Thomas Cotton, Clerk of the Grand Court; George Simpson, „ „

Thomas Povey, Naval Officer; Barnabas Jenkins „ „

List of other civil officers.

List of the Colonels and Captains of Militia, divided into regiments as follows :—

The Regiment of Horse - - Colonel Sir William Beeston.

St. Jago Regiment of Foot - - Colonel Peter Beckford.

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Port Royal Regiment of Foot	-	Colonel Charles Knight, also commander of the fortifica- tions at Port Royal.
St. Andrew's Regiment of Foot	-	Colonel Nicholas Lawes.
St. Thomas and St. David's Regi- ment of Foot	- - -	Colonel Modyford Freeman.
Clarendon and Vere Regiment of Foot	- - - -	Colonel Henry Lowe.
St. Elizabeth's Regiment of Foot	-	Colonel Odoardo Lewis.
North Side	" -	Colonel Peter Heywood.
Approximate total of white men in the island	-	2,465
" " white women and chil- dren in the island	- - - -	4,900
		7,365
Negroes of all sorts, sexes, and ages, about	-	40,000
Total population	- -	47,365

The whole. 8 pp. *Endorsed*, Recd. 30 Dec., 1698. [*Board of Trade*. Jamaica, 8. Nos. 97, 97 I.-II.; and 56. pp. 250-268.]

Oct. 13.
Jamaica.

891. Governor Sir William Beeston to William Popple. Thanking him for his letter and advising despatch of returns, with compliments. *Signed*, Wm. Beeston. *Holograph*. $\frac{1}{2}$ p. *Endorsed*, Recd. 30 Dec., 1698. [*Board of Trade*. Jamaica, 8. No. 98; and 56. pp. 269-270.]

Oct. 13.

892. Minutes of Council and Assembly of Nevis. The Council assented to a proposal of the Assembly to write to John Perrie to supply provisions and other necessities for the King's ships homeward bound. [*Board of Trade*. Leeward Islands, 64. pp. 477-478.]

Oct. 14.

893. Minutes of Council of New York. Two licences granted to Widow Ryndering Quick and to William Tietsoor to purchase lands from Indians, provided the purchase be within twelve months of the date of licence. The Mayor and Sheriff of New York sworn. Sundry miscellaneous accounts audited (*items given*) and payment ordered. [*Board of Trade*. New York, 72. pp. 152-155.]

Oct. 14.
Treasury
Chambers.

894. Secretary of the Treasury to William Popple. Forwarding a report by the Commissioners of Customs upon certain papers transmitted by Governor Nicholson from Maryland, with a request that it may be an instruction to all Governors of Colonies in America that naval officers give such security and join with the Collector, as is by the said Commissioners proposed. *Signed*, Wm. Lowndes. $\frac{1}{2}$ p. *Endorsed*, Recd. 14th. Read 19th Oct., 1698. *Enclosed*,

894. 1. Extract from a report of the Commissioners of Customs, dated 12 October, 1698. Upon the papers in question and upon other papers now before us we would observe (1) that the Plantations are too frequently

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furnished with European goods by way of Newfoundland, in exchange for which tobacco and other enumerated commodities are thence transported to Europe without touching in England, both of which practices may probably arise from an opinion that Newfoundland is not understood to be one of the English Plantations of America within the meaning of the Acts of Trade and Navigation. (2) In several private proprietries there is too easy an admission of irregular trade, the Governors there not being of the King's appointment, and such as too often have more regard to their particular advantage than to the law and trade of England. (3) The Naval Officers appointed by the Governors to take bonds and give certificates for clearing ships have generally neglected to comply with the late Act for preventing frauds, which requires them to give security to the Commissioners of Customs in England for due discharge of their trust. We think that besides the security of this single officer it would be very expedient to have the concurrence of the collectors appointed by us to join with the naval officers in so important an act as that of signing certificates for clearing ships, agreeable to the constitution of the Customs in England, which has provided a control upon the action of every officer employed therein. *Copy.* 1½ pp. [*Board of Trade. Plantations General, 4. Nos. 144, 1441.; and 34. pp. 358-361.*]

Oct. 14. **895.** Council of Trade and Plantations to Thomas Laurence. Whitehall. Instructing him, as Secretary of Maryland, to send an account of all business transacted, and copies of laws, journals and other public documents. *Signed,* Ph. Meadows, John Pollexfen, John Locke, Abr. Hill. [*Board of Trade. Maryland, 9. pp. 224-226.*]

[Oct. 14.] **896.** Jahleel Brenton to Council of Trade and Plantations. I recommend that the Government of Rhode Island be required to furnish authentic copies of all Commissions granted to privateers by Governor Walter Clarke and Deputy-Governor John Greene, also of the bonds given by the privateers on receiving them. See the enclosed depositions of John Easton. *Signed,* Jahleel Brenton. ½ p. *Endorsed,* Reed. Read 14 Oct., 1698. *Enclosed,*

896. 1. Depositions of John Easton, Governor of Rhode Island in 1694. That John Greene gave a Commission to the privateer John Bankes, who came to Newport with Thomas Tew. The said Tew also offered Easton £500 for a Commission. 1 p. [*Board of Trade. Proprietries, 2. Nos. 34, 341.; and (without enclosure), 25. p. 242.*]

Oct. 14. **897.** Governor Webb to Council of Trade and Plantations. Nassau, New Providence. We have, five days after receipt of your orders for the suppression of pirates, passed the Act recommended to us for that end. Since my coming I have made many expeditions for the seizing of these sorts of persons, who have fitted themselves out at the Isle of Ash,

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and have done much mischief in some of our remoter Islands. Jamaica is near enough to the Isle of Ash to suppress this. *Signed*, Nich. Webb. 1 p. *Endorsed*, Recd. 21, Read 28 Feb., 1698-9. [*Board of Trade*. Proprieties, 2. No. 35; and 25. pp. 343-344.]

- Oct. 15. **898.** Minutes of Council of Virginia. Four members present. Dudley Digges chosen to be of the Council. Order for a proclamation for the arrest of John Coode, if in Virginia. [*Board of Trade*. Virginia, 53. p. 141.]

- Oct. 15. **899.** Governor Day to Council of Trade and Plantations. I arrived here on 16 August, and having taken all the prescribed oaths assumed the government on the following day. I have issued writs for an Assembly to meet on the 31st inst., when I shall submit to it the proposals enjoined by your instructions. I found things in great disorder on my arrival. Several of the most eminent persons were in gaol on account of fines set upon them without trial or process. These I admitted to bail. I have also discharged Mr. Richier from prison on his giving security to Governor Trott according to the Order in Council. He and Mr. Goddard will give each other security, as directed, on next Council day; and by next opportunity I hope to report in full. Pray send some powder to Bermuda, for we are in great need of it, also some colours, for all here are worn out. They have been forced to hoist a palmetto leaf instead of colours at the Castle. *Signed*, Sam. Day. 1 p. *Endorsed*, Recd., Read 9 Feb., 1698-9.

Duplicate of the above letter addressed to Mr. Secretary Vernon. *Endorsed*, R. 9 Feb., 1698-9. [*Board of Trade*. Bermuda, 3. Nos. 31, 32.]

- Oct. 17. **900.** Minutes of Council of Virginia. Dudley Digges sworn of the Council. The proclamation for arrest of John Coode approved, and further orders given thereupon. [*Board of Trade*. Virginia, 53. pp. 141-142.]

- Oct. 17. **901.** Journal of Council of Trade and Plantations. Draft representation upon the State of New York begun.

- Oct. 18. The representation begun yesterday was completed, also a representation as to Lord Bellomont's salary and perquisites.

- Oct. 19. The two representations of yesterday were signed. Several papers received from Mr. Weaver this morning were laid before the Board.

Mr. Lowndes's letter of 14th inst. with a report from the Commissioners of Customs read (No. 894). Order for an instruction to be prepared accordingly, and that Mr. Brenton be summoned to attend to-morrow.

Captain Norton's letter of 4 August last read.

- Oct. 20. Mr. Brenton attending gave information that he was Collector, Surveyor and Searcher of all New England, including Rhode Island, and was the only officer therefore commissioned by New England except the Judge of Admiralty, Peleg Sanford, whom the Governor refused to swear in. There had been a naval officer appointed in Boston by Sir William Phips, but he had since refused to give security for his office as required by Act of Parliament. In

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all the Proprietary Governments the Collectors were appointed by the Custom-house in England. He also gave evidence of illegal trade with Newfoundland, and said that naval officers had been allowed by Governors to despatch ships, though contrary to law. The Board hereupon resolved to report the neglect of Proprietors to give security for their Deputy-Governors. Mr. Randolph's letters of 25 April and 30 May were then read, and it was resolved to write to the Government of Rhode Island to account for their behaviour in the matter of pirates.

Colonel Robert Quarry's letter of 4 July read. Order for copy of the clause in the Act of Pennsylvania, for removing the obligation to swear imposed by the Act for regulating the Plantation Trade, to be sent to Mr. Penn.

Letter from the Government of Connecticut of 27 January read, also Major-General Winthrop's letter of 1 July. Order that a letter be written to them to despatch the copies of their laws formerly required of them, and to enquire as to the seizure of goods in the Colony reported by Lord Bellomont.

Sir William Beeston's letter of 5 July read, and directions given for an answer thereto.

Oct. 21. Colonel Blakiston's letter of 20th read, and he himself attending to take leave, was informed what had been done as to the remission of forfeited navigation bonds in Maryland.

The Orders in Council of 20th inst. as to Lord Bellomont's salary and perquisites, and denization of a foreigner by Governor Fletcher read.

Christopher Fowler's memorial as to the misnaming of Mr. George Lillington in Mr. Grey's instructions read, and order given for a representation thereupon.

Oct. 22. Acts of Massachusetts further considered, having been begun yesterday. Three draft letters and two representations approved.

Robert Quarry's letters of 25 and 30 August, relating to the affairs of Pennsylvania, read.

Mr. Littleton was ordered to attend and give information as to the practice in granting letters of denization to foreigners in Barbados. [*Board of Trade. Journal, 11. pp. 253-262.*]

Oct. 18. **902.** Secretary of Massachusetts to William Popple. Advising the despatch of Minutes, Journals and Acts. The Province is quiet; no trouble of late with Indians. Lord Bellomont is still detained at New York by the disorders and divisions of the people. *Signed, Isa. Addington. 3/4 p. Endorsed, Recd. 19, Read 23 Dec., 1698. [Board of Trade. New England, 9. No. 36; and 37. pp. 82-83.]*

Oct. 19. **903.** Council of Trade and Plantations to the Lords Justices of England. Lord Bellomont has raised a question as to the perquisites and emoluments to be allowed to the Lieutenant-Governors of the various provinces during his absence from any one of them. We think it unreasonable that he should be deprived of any part of his salary or emoluments so long as he is resident within any of the provinces of his Government, and we submit the draft of an additional instruction to that effect. *Signed, Ph. Meadows, Jno. Pollexfen, John Locke, Abr. Hill.*

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Here follows, Copy of the draft instruction, laying down that the Governor, Lord Bellomont, shall not be deprived of any part of his salary or emoluments while resident within any part of his Government, but that the Lieutenant-Governor shall receive half of the same if the Governor be absent from the whole of his Government. [*Board of Trade*. New York, 52. . pp. 503-505.]

Oct. 19.
Whitehall.

904. Council of Trade and Plantations to the Lords Justices of England. We lay before you a state of the province of New York. The first thing brought forward by Lord Bellomont (and continued in all his letters) is a complaint not only of the backwardness and refusal of the Council to help him, but even of their direct opposition to him and of their frequent cabals with those in favour with the late Governor to make his government uneasy. This he imputes to the protection which they have enjoyed from the late Governor in many illegal practices and their sense of their own guilt therein, which makes them industrious to conceal former mismanagement and obstruct reformation. Piracy is so heinous a crime that the King has lately sent an expedition to the East Indies to suppress the pirates (who have many of them notoriously had their rise in New York), and Lord Bellomont writes that upon inspection of that matter and of illegal trade he is complained against for ruining the city of New York by hindering the privateers (a soft name for pirates) from bringing in the value of £100,000. It appears from evidence sent by Lord Bellomont that one William Mason received a commission for the ship *Jacob* from Jacob Leisler in 1690, and that the said ship returned to Long Island under command of Edward Coats with large plunder in 1693. One Edward Taylor was then sent ashore, who by mediation of Mr. Nicoll obtained access to Governor Fletcher and offered to him and to Nicoll £700 to allow the ship to be brought in to New York. Owing to the dispersion of the crew the original agreement was not fulfilled, but the ship was given to Governor Fletcher and £200 to Nicoll. It was confessed by Nicoll that he had received 800 dollars for obtaining protection for some of the crew. It further appears that the ship was sold by Governor Fletcher for £800 and that, apart from presents rumoured to have been received by his lady and daughters, he received 100 dollars a man for particular protections. To colour the transaction, the Council's consent was obtained to the admission and protection of the crew under a local Act of New York, but the Attorney-General was not consulted herein. Copies of some of the protections have been sent to us, which in style grant only the protection of the law, but they have been so construed and understood that no prosecutions have been made of the persons concerned, nor, though mention has been made of securities, can any bonds be found at New York. Depositions of Thomas Lewis and Samuel Staats, now both of them Councillors, both of them testify to their negotiation with Colonel Bayard to purchase protections of Governor Fletcher. Another deposition concerns the discharge of a chest of treasure by Colonel Fletcher, though it had been seized as pirates' plunder by the sheriff. Depositions of John and Hannah Hutchins are also annexed as to money paid to Governor Fletcher for protection,

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but it does not appear whether this was for the piracies already mentioned or for others subsequently committed. Copies of the Commissions given to Tew, Hore, Glover and Moston, though none of them had ships at New York, have been forwarded to us, and we would observe that we have an information here that Tew in 1694 offered Governor Easton, of Rhode Island, £500 for a commission, which was refused, though it is certain that others there have been guilty of that fault. The fact that Tew's commission from Governor Fletcher is dated in November, 1694, makes it highly probable that it was not obtained for nothing. Nominally these Commissioners were to fight the King's enemies, but Lord Bellomont tells us that it was public and notorious that the men aforesaid were pirates. There is evidence also that Tew was much caressed by Governor Fletcher, and an information laid before the Lord Justices of Ireland in August, 1696, states the sum paid by Tew to Governor Fletcher for his commission. The piracies of Tew, Glover and Hore are so notorious that we need not mention them. Thomas Moston obtained a commission from Governor Fletcher for the ship *Fortune*, but, as Lord Bellomont points out, she was an unfree bottom and evidently designed for a piratical voyage. There is evidence also, as to the bonds given by Tew and Hore, that the securities were worthless, while one of the bonds to which Governor Fletcher's secretary, Daniel Honan, was a party, has been defaced by the said Honan.

Next, as to illegal trade, the returns of the decrease of revenue are the first evidence of corrupt administration. Next there is evidence that Moston went to Madagascar with goods for the pirates and brought back their spoil of East India goods, yet it was only with the greatest difficulty that Lord Bellomont could get the Collector to seize the ship after most of the goods had been removed. There were fourteen of Hore's men on board her, yet none of them were arrested for piracy, and owing to the intrigues of the merchants it was only with difficulty that evidence was obtained to condemn the ship. We have information apart from Lord Bellomont's as to Moston's trading with pirates at Madagascar. Lord Bellomont suspended Mr. Brooke after this affair of the ship *Fortune*, but one of his successors was forcibly thwarted by the merchants when he attempted a seizure of contraband goods, and thereupon resigned. Lord Bellomont also reports that five suspicious ships hung about the coast for a time and sailed away on learning that he was Governor, and that the Council opposed him when he wished to take security from four ships bound to Madagascar that they should not trade with pirates. We must also lay before you certain evidence as to a ship called the *Frederick*, belonging to Frederick Phillips of New York, which shews her to have embarked pirates' plunder at sea and to have sailed with part of it to Hamburg.

Next, Lord Bellomont has brought before us several extravagant grants of land made by Governor Fletcher, and also the leasing of a part of the King's garden. We observe also that the provision made for quit-rents is trifling, though this is enjoined upon the Governor by his instructions. The treatment of the King's garden and King's farm, Lord Bellomont takes to be rubs designedly put in his way; and he calls attention to the many

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evils which arise from these extravagant grants of lands, with particular reference to the grant of the Mohawks' land.

This leads us to the state of the forces on the frontier, which Lord Bellomont reports to be half starved and much thinned by desertion. He instances the hardships put upon the troops (although their pay was subject by the establishment to a deduction of 30 per cent) by Governor Fletcher's illegal stoppages. The fortifications here have also been much neglected, and some of them ill-situated; and Lord Bellomont asks that Colonel Romer may stay longer in the Colony to set them in order. The many difficulties above enumerated Lord Bellomont hoped to overcome by calling an Assembly, but he complained that he was thwarted by undue elections and returns. We shall not add more except that Lord Bellomont has suspended William Pinhorne from the Council. We now represent that, in view of the corruption which has reigned at New York, the guilty parties must be punished, censured or discouraged, for unless Lord Bellomont's authority be strongly supported he will be able to do nothing. We recommend therefore that his zeal be commended, and that the suspensions of Nicoll, Brooke, Pinhorne, Bayard and Phillips from the Council be confirmed. As to the gentlemen recommended by Lord Bellomont to fill vacancies, we observe that the first name is that of Philip French, who was at the head of the tumult in obstructing the seizure of goods at Van Sweeten's house, and that Adolphus Phillips, since proved to have been concerned in illegal trade, is also mentioned. These therefore we conceive to be unfit, but we recommend the appointment of the remainder, viz., Abraham Depeyster, James Graham, Samuel Staats, Robert Livingston, and John Corbille. We recommend also that orders be given to prosecute all pirates in New York who are sheltered there under colour of Governor Fletcher's protections, and to do the like with illegal traders. We recommend further that legal measures be taken to annul the extravagant land-grants aforesaid, and that in future no land be granted for less quit-rent than 2s. 6d. *per* 100 acres, nor without an obligation to the grantees to plant and improve it within three years. *Signed*, Ph. Meadows, Jno. Pollexfen, John Locke, Abr. Hill. [*Board of Trade*. New York, 53. *pp.* 1-34.]

Oct. 19. **905.** Commission of Nathaniel Blakiston to be Governor of Maryland. The extreme number of the Council is to be seven, and in case of vacancies he may make it up to that number and no more. He has power to suspend officers commanding King's ships for disobedience of his orders, and to commit them; the next senior officer taking the suspended officer's place. [*Board of Trade*. Maryland, 1. *pp.* 227-252.]

Oct. 20. **906.** Nathaniel Blakiston to Council of Trade and Plantations. I learn that there lies before you an address from Maryland on behalf of several merchants who are securities for forfeited bonds, that the Governor has suspended execution of judgment on the same pending the King's pleasure and that the Attorney-General of Maryland has certified that there is not £1,000 to be got from all of them. It seems not improbable that these persons

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may have made every preparation to desert the province if they should find it necessary, and since there is no advantage to be expected from further prosecution but only the ruin of these poor people, whose situation is the result rather of misfortune than crime, I beg that you will recommend the petitioners to the King to have compassion on them. I understand that, even if the penalties be remitted, the bonds will still remain against the masters of ships, who are the true offenders, wherever they may be met with. I am very sensible how great is the interest of the King and of this country in the regulation of the plantation trade, and I shall, during my continuance in Maryland, execute my instructions concerning the same with the greatest care and diligence, so that no fresh complaints of this kind shall arise. I intend to give out on my arrival that no securities are in future to receive the least favour, and that none but responsible persons shall be admitted as securities; but, as to the case aforesaid, it will be a great pleasure to me if I can help to obtain for them the King's remission of their forfeitures. I hope, by your favourable recommendations in this affair, to show the inhabitants of Maryland on my first arrival that my wish is to serve them, which may lead to mutual trust and greatly facilitate public business. I have been ready for my voyage for two months, and having now received my commission, hope to sail on Monday. *Signed*, N. Blakiston. 2 pp. *Endorsed*, Reed. Read 21 Oct., 1698. [*Board of Trade*. Maryland, 3. No. 62.]

Oct. 20.
Philadelphia.

907. Robert Quarry to Council of Trade and Plantations. Since my last Governor Markham sent for me and told me that he believed the Justices, who had taken the seized goods from the custody of the Marshal of Admiralty, had acted very imprudently, and that he would call the Council and if possible order the goods, or their value, to be restored to him. I told him that I had already reported this affront on the King's authority to Whitehall, that it was impossible to return the goods, as the Government had restored them to the person from whom they had been seized, since he had sold them all, and that the appraisement of their value, which he offered me, was a perfect cheat, being not one-sixth of the full value, than which my duty would not allow me to accept less. I told him also that since he was calling the Council I wished to complain of an affront put on the King in open Court, which was as follows. All the justices were sitting by, in the trial of goods forcibly taken from the King's store, when David Lloyd, one of the Council, asked the Marshal of Admiralty by what authority he acted. The Marshal thereupon produced his commission, whereupon Lloyd held it up in a scornful way, saying, "This is a fine baby, a pretty baby, but we are not to be frightened by babies." The Court, instead of reproving him, seemed very much pleased with this wit. I then told the Governor that I expected satisfaction from him and the Council for this affront; and he promised to tell them of it. A week later they met, and sat for three or four days. Two or three loyal honest gentlemen, who are not Quakers, proposed very warmly that the justices who had ordered the seizure of the goods should be turned out of all offices and made an example; but David Lloyd answered that all who encouraged the erection of

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Courts of Admiralty were greater enemies to the rights and liberties of the people than those who promoted ship-money in the time of King Charles I., and that he would prove it at next sitting. This had so great an influence on the rest that all debate ended, and the Council adjourned. I can therefore do nothing. The Quaker justices resolved that, if Anthony Morris had been turned out, they would all of them have resigned; whereby you may see what is to be expected from the Government. About five weeks ago a French pirate came into the bay, landed a party and plundered a town. The poor people were ruined, not being able to make defence for want of a militia and of arms. *Signed*, Robt. Quarry. $2\frac{1}{2}$ pp. *Endorsed*, *Recd.* Read 23 Dec., 1698. [*Board of Trade*. *Proprieties*, 2. No. 36; and 25. pp. 292-296.]

Oct. 20.
London.

908. Richard Cary to William Popple. I have delivered the packets for Nevis to the Master of the Exchange galley. The duplicates I return, your message having arrived timely to stop them. *Signed*, Rd. Cary. $\frac{1}{4}$ p. *Endorsed*, *Recd.* 20 Oct., 1698. [*Board of Trade*. *Leeward Islands*, 5. No. 122.]

Oct. 20.
Whitehall.

909. Order of the Lords Justices of England in Council. Approving the representations of the Council of Trade, of 19th inst., together with the additional instructions as to Lord Bello-mont's salary and perquisites, and directing the said instruction to be prepared for signature. *Signed*, John Nicholas. *Copy*. $\frac{1}{2}$ p. *Endorsed*, *Recd.* Read 21 Oct., 1698. [*Board of Trade*. *New York*, 8. No. 10; and 53. p. 35.]

Oct. 20.
Whitehall.

910. Order of the Lords Justices of England in Council. Referring an extract from a report by the Commissioners of Customs to the Council of Trade for report. *Signed*, John Nicholas. $\frac{1}{2}$ p. *Annexed*,

910. 1. Extract from a report of the Commissioners of Customs on certain papers transmitted by Governor Nicholson, 12 October, 1698. Another observation is that one Arnold Noding, a Frenchman, being prosecuted in Maryland for breach of the Acts of Trade, produced letters of denizenation obtained at New York, in virtue of which he and his sloop were discharged. Colonel Nicholson reports that in Acts of Naturalisation passed in Maryland a proviso was inserted to bar any claim to the privilege of Englishmen under the laws of England; and we agree with him that any other system would tend to frustrate the laws.

Here follow copies of two Naturalisation Acts of Maryland; of the patent of Naturalisation granted to Arnold Noding, and of the proceedings against him in Maryland. The whole, $6\frac{1}{2}$ pp. Endorsed, Recd. Read 21 Oct., 1698. [Board of Trade. Maryland, 3. Nos. 63, 63 1.; and 9. pp. 290-303.]

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911. Memorandum of the above Order in Council. $\frac{1}{2}$ p. [*Board of Trade*. *New York*, 8. No. 11.]

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Oct. 20. **912.** Minutes of Council of Massachusetts. The Lieutenant-Governor laid before Council a letter from Mr. Villebon, and two depositions as to the driving of English vessels from the fishery by the French (*see Nos. 922 i.-iv.*). Order for the said papers to be sent to the Council of Trade, and copies of them and of Mr. Nelson's papers to be sent to the Agents, and for an account of the whole to be sent to Lord Bellomont. The Lieutenant-Governor took the oaths appointed by the Act for the regulation of the Plantation trade. [*Board of Trade. New England, 49. pp. 176-177.*]
- Oct. 20. **913.** Minutes of Council of Virginia. Order appointing a place for the storing of the State-papers, dispersed owing to the recent burning of the State-house, and for an enquiry into the causes of the fire. The great hall at Mr. Sherwood's house was appointed as the place for holding the General Court. Richard Lee appointed Collector and Naval Officer of Lower Potomac.
- Oct. 21. Order for a proclamation for collecting the records dispersed at the late fire, and for sorting and listing them. The report of the Committee as to the causes of the fire was referred to the Attorney-General. Leave was given to William Randolph to resign the Attorneyship-General at the close of the present General Court.
- Oct. 22. Richard Lee was sworn Collector and Naval Officer for Lower Potomac, and Gawin Corbin to be Collector for Rappahannock. [*Board of Trade. Virginia, 53. pp. 142-146.*]
- Oct. 21.
New York. **914.** Governor the Earl of Bellomont to Council of Trade and Plantations. My last were of the 14th and 21st ult. by the Henry, frigate, which sailed on the 23rd ult. On the 6th Captain Schuyler returned from Canada with a letter from the Governor. Copies of this, of Captain Schuyler's Journal and of the Minutes of a Council held at his return, are enclosed. You will see from these that the French have given over their design of invading our Indians for the present. I send copy of Colonel Van Cortlandt's information against the goods of Mr. Van Sweeten, formerly seized by my order, and Van Sweeten's confession of judgment thereon. This is further evidence that the ship Fortune was an unfree bottom bringing East India goods. I send also the deposition of Mr. Ludlow, as to a quantity of East India goods which were brought to him for concealment. This confirms former information that the Sheriff, Willson, was concerned in that concealment, goods to the same value having been in his house before I sent to seize Van Sweeten's, which was the reason why I could not trust him to make the seizure, and was obliged to send the Lieutenant-Governor and soldiers to rescue the search-party. You will observe how little Willson regarded his oath as Sheriff. Brooke, the late Collector, was, I am morally certain, privy to Willson's concealment of the goods aforesaid. I sent a certificate of several most extravagant grants of land by Colonel Fletcher, and a map of the province will be delivered to you by Lieutenant Hunt. It is the exactest yet made, I believe, and it shows the several tracts granted, with the grantees' names; from which you will see that in effect the whole province is granted away to about thirty persons, to the great prejudice of the Crown, for at that rate this province (the most considerable and which ought to be the best regulated on the

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continent) can never be well peopled. Men will not care to become base tenants to proprietors in this province when they can buy the fee-simple of land in the Jerseys for £5 *per* hundred acres and, I believe, as cheaply in Pennsylvania. I cannot find that Colonel Fletcher had any power by his Commission to sell lands in this province, yet it is certain that he took money for all his grants except for that of the Mohawks' land, which I cannot find out. Had he reserved a reasonable quit-rent to the Crown in these grants he had been less to blame, but I find that all the rents reserved in his grants are trifles. I beg pardon for bringing the matter of these grants again before you, but I think it of such consequence that I venture to remind you of it in the hope that you will find means to void these extravagant grants, to limit Governors to a certain number of acres in their grants, with a quit-rent of half a crown *per* hundred acres to the Crown, and to restrain them from selling the lands to the grantees. I should think 1,000 acres a sufficient quantity to grant to any man, for the clearing of the wood costs £4 10s. 0d. *per* acre all this country over, so that it would count a good purse to manage 1,000 acres, the whole country being under great woods. Yet you will see that Mr. Dellius, besides his share of the Mohawks' land, has at least 700,000 acres of land.

I hear that the gentlemen whom I have suspended from the Council are very confident of being restored, and among the rest Mr. Pinhorne. When the deposition of the Earles was taken and the Earles themselves confronted with Pinhorne there were two material circumstances omitted, namely, first, that they charged him, at the same time that he used scandalous words of the King, with saying that the King of France would save his troops, act defensively that year, tire out the Confederate army, and then come down with a mighty force and devour the King and his allies. This was so like the cant of the Jacobites in England at that time that I confess I was induced to believe this charge to be true. He looked very guilty at the time, and I was confirmed in my belief of his guilt by their accusing him of harbouring one Smith, a papist, in his house for about four months at that period, to which his reply was that the Jesuit had not been in his house above three weeks or a month. Mr. Nicoll, since his suspension for acting as broker between Colonel Fletcher and the pirates, continues to correspond with these profligate people, as John Williamson's depositions, enclosed, will shew you. You will observe also mention of scurrilous words spoken against me by the man and woman of the house, who, being absolute strangers to me, must probably have learned this from Nicoll. I hear that he has told them and others that by my discountenancing piracy I should impoverish and ruin the country. Another deposition of the same Williamson concerns pirates' money, but the most remarkable thing therein is the great care of Colonel Willett, formerly of the Council, to conceal that money from me. One Jones, formerly a pirate, endeavours to clear Colonel Willett, but as his is a negative oath and his character is bad in the country, I cannot credit him. I cannot find that Williamson was under any temptation to forge his accusation against Willett, which is confirmed in great measure by the evidence of others. The whole of the said depositions are enclosed.

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On the 28th ult. I suspended Colonels Bayard, Minvielle, Willett and Townley and Mr. Lawrence from the Council, finding it absolutely necessary for the King's service. Though they were such sycophants as to comply with all parts of Colonel Fletcher's maladministration, they were always resty and perverse in anything that I proposed for the King's service in Council, while out of Council they were always caballing to make the Government uneasy. I send my reasons, with proofs, for suspending Colonel Bayard, but I have not yet received his answer. I think that these reasons are weighty enough to convince you that I am right in suspending him and the rest; I say the rest because all the accusations against Bayard are chargeable for the most part against the rest, as also against Brooke, Pinhorne and Nicoll. I must, however, exempt Colonel Townley from this. He formerly refused to be of the Council and has never come near it in Colonel Fletcher's time nor mine. He is reputed a Jacobite, and he resides constantly in New Jersey, so I do not know how he comes to be named as a Councillor in Colonel Fletcher's instructions and mine. Besides the reasons which I have given against Bayard and the rest, these gentlemen dissented from me when I proposed that the merchants of this town, when they sent four ships to Madagascar, should give bond not to trade with pirates there. This has made me sick of such Councillors, for how can I trust men who refused to join me in a thing so reasonable in itself and adequate to my instructions? The new Councillors whom I have appointed are Colonel Abraham Depeyster, Robert Livingston, Dr. Samuel Staats and Robert Walters. They are men of good estates and reputation and are well affected. The Government is under no small obligation to Mr. Livingston, for, but for him, the four companies would long since have deserted, there having been due to them £2,500 for their subsistence in Colonel Fletcher's time, which so discouraged the victuallers and others that I could find no one who would subsist them except Mr. Livingston. Purely to serve the Government and avert the disgrace and mischief of the soldiers' desertion he undertook the charge, and there is now almost £4,000 due for victualling, and I have not received any. Sir Henry Ashurst, whom I appointed Agent for the companies, writes to me that he had received no pay nor subsistence for the companies up to the 16th July. I must therefore beg your interest with the paymaster that these companies may be paid and subsisted with the rest of the Army in England, or I shall suffer in my reputation and Mr. Livingston will be discouraged from undertaking the service any longer. These four companies are on the same establishment as the forces in England, so I cannot think how they came to be neglected. I have written to Mr. Weaver to apply for the King's letters confirming the four gentlemen named above to the Council; please comply with this, and he will pay the fees. Mr. Phillips has resigned his place on the Council on the score of age, he being seventy-two; Mr. Lawrence also is superannuated, being eighty-two. Simultaneously with the Councillors I displaced Mr. David Jamison, the clerk of Council. He is a Scotchman by birth and was condemned to be hanged in Scotland for blasphemy and burning the Bible, but the sentence being

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mitigated he was transported to this province and sold as a servant. He is a profound Atheist and has two wives at this time, unless his true wife is not dead within the last twelve months in Scotland. This man was first above all others in Colonel Fletcher's confidence and favour, and he used to commend him to everybody for the honestest man he ever saw in his life. He has enriched himself by extortion in his office and other works of darkness, but above all by the sale of land-grants given by Colonel Fletcher, he having a share for brokerage. I had no sooner dismissed him than Mr. Clement, who was to come over as my secretary, disappointed me dirtily and stayed behind in England, so that I am unprovided with a Secretary, and found so general a corruption here that I knew not whom to trust. I have so many instances of disaffection to the Government that I shall very speedily send Commissioners all through the province to tender the oaths of allegiance, the test and the association to all people, by which means I hope to secure the fidelity of the wavering. It will also help me to know and discriminate the professed Jacobites, of whom the number in this province is said to be not small.

Some people here are much enraged because Mr. Weaver passed for my friend and because on two or three occasions I employed him as counsel for the King. Willson, the late Sheriff, brought an action against him at the last Supreme Court for saying that Willson was forsworn in returning the members for the last Assembly. The jury, which was packed chiefly of the most violent people in the town, found for Willson with £500 damages. The reason was that, in the vacancy of the Sheriff, the jury was empannelled by the Coroner, one Clark, but counsel on Weaver's behalf have given in such reasons for arrest of judgment that it is believed that the suit is at an end. I could have put in another Coroner, but I thought it fairer not to do so, and I was curious to see how far the malice of the faction might go. They hate Weaver, who has argued smartly against the merchants for illegal trade and factious behaviour. Moreover, at my first coming, several of the merchants tried to bribe him, when he refused their offers with indignation. About three weeks since, the relations of Leisler and Milborne asked leave to take up their bodies from the graves near the gallows and give them Christian burial in the Dutch Church. I consented, partly because I thought the request reasonable, but chiefly owing to the language of the Act of Parliament for reversing Leisler's attainder, of which I enclose a copy. A third motive was that Colonel Fletcher refused to obey the Act by restoring the heirs of these two men to their father's estates, which treatment of it gave his party the boldness to call it a libel, a forgery, and a surreptitiously obtained Act, and even to go to the length of burning it. I, who am a hearty lover of English laws, and value no Englishman who is not, thought it right thus to assert this Act, in the hope of giving the people here a just idea of the English laws, that they bear the stamp of the highest authority and ought to be respected and sacred. There was great opposition made to the burying of these men by the contrary party, but I was resolved to give that satisfaction to their relations. I had no reason to apprehend any disorder from a meeting of Leisler's friends,

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for I have found them more obedient than the contrary party. There were twelve hundred people at the funeral, it is said, and would have been more but that it blew a rank storm for two or three days together. *Signed, Bellomont. Postscript.*—22 October. Captain Nanfan has just returned from a Conference with the Five Nations at Albany. I enclose his narrative. I find that several of my proofs against Colonel Bayard have been sent to you before, so I send a list showing which are new and which are old. I have not time to prepare a statement of the revenue and accounts for this ship. The owner is one of those angry men who was concerned in the ship *Fortune*; he will not oblige me by detaining her, and I am loth to compel him. I shall therefore send them by next conveyance. *Eight closely written pages, with a sheet attached, inscribed, Recd. 19th, Read 20th Oct., 1698. Enclosed,*

914. 1. Copy of a letter from Count de Frontenac to Governor Lord Bellomont. Quebec, $\frac{1}{11}$ September, 1698. I should have answered your former letter earlier, had it not been that the arrival of the ships from France was delayed. My despatches from the Court inform me (as I presume have yours) that the Kings, our masters, have resolved to appoint Commissioners to settle any difficult points as to the limits of their dominions. I think, therefore, that before addressing me in the tone of your letters of 13 and 22 August, just received, you should have awaited the decision of those Commissioners, and not have committed yourself to crossing a matter which is already begun and which is, as it were, domestic, since it concerns a father and his children whom the former is trying to lead back to their duty, first by gentle means, but with the resolution to employ measures of greater severity if the first should prove ineffectual. This is a thing which you should regard as wholly distinct from the Treaty of Peace lately concluded. You cannot approach that treaty without showing that, far from cultivating good relations between the two countries, you seem to seek pretexts to infringe upon it. I doubt if you are authorized hereto by the King of England. For my part, I wish to oblige the Iroquois to fulfil a pledge given to me before the conclusion of the treaty, for which they left hostages in my hands. I do no more than follow the way that I have chosen, whereas you desert that which you profess to have followed, for the purpose of preserving good correspondence between the two Crowns, by putting forward new and unfounded pretensions. For you must allow me to say that I am sufficiently well informed as to the sentiments of the Iroquois to be aware that not one of the Five Nations pretends or wishes to be under the dominion of England and that you have no proof to make good such a claim; whereas our evidence, when submitted to the Commissioners, will be so clear and incontestable as to admit of no reply. I am therefore resolved to pursue my way and I beg you to take no steps

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to cross me, because they will be useless, and all the succour and protection which you say you have given the Iroquois in the past and mean to continue to them, will not turn me from my purpose—rather they will bind me to hasten it. For any sinister consequences that may follow you will be responsible to God and your King, for you will be the only cause of bloodshed. I must tell you that you are misinformed as to outrages committed on the Iroquois by the French and their Indians. It is true that the Ottawas, and in particular the Algonquins, have struck a severe blow at the Onandagas, but that was because that nation as well as the rest refused to make peace with them. They brought back with them five prisoners, whom I took out of their hands in order to save their lives and restore them when their representatives arrive to make peace with me, according to their promise, and to secure peace the better between them and all the French Indians. I have reason to believe that if the Iroquois have not restored to me their prisoners, it is only because you opposed them when they were about to keep their promise. I will restore to them such prisoners as I have here. At the same time I am much obliged to you for your good treatment of the four last Frenchmen that you sent to me. I have given sufficient explanation in the subject of the Acadian Indians, and I have always been apprehensive that, unless their prisoners were returned from their treacherous detention at Boston, they would attempt some attack upon your Colony. I am none the less sorry for the murder of the two men at Hatfield, which you report to me, and I will send them a second order to make them cease from hostilities. But I beg you again to restore their prisoners, on which point you have given me no answer. I answer you with all the freedom and frankness of your own letters, but no one is more sincere than myself in the desire for good correspondence between our nations. *Signed, Frontenac. French. 2½ pp. Endorsed, Recd. 19 Dec., 1698.*

914. II. Colonel Peter Schuyler's Journal of his mission to Canada. 27 August. Left Albany and came to Stony Arabia, where we got our birch canoe ready. 28th. Came to Saratoga. 29th. Got within four miles of the carrying-place, where a Frenchman wished to go with us, but having no pass was refused. 30th. Entered Wood Creek. 31st. Reached the little falls. 1 September. Got four miles into Lake Corlaer. 2nd. Reached Fort Lamotte. 3rd. Arrived at Chambly. 4th. Laprairie. 5th. Montreal, where M. de Callière entertained us very kindly and arranged for our passing to Quebec. 6th and 7th. Detained by bad weather. 8th. Embarked at noon. 9th. Arrived at Quebec and at once delivered Lord Bellomont's letters to Count de Frontenac, who,

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after reading them, seemed much displeased, saying "Lord Bellomont threatens me, but I am not afraid. He claims the Five Nations, but they are none of his. They call me father, and Lord Bellomont brother. Shall I not chastise them? But if they come to me I will be a father to them." 10th. Count de Frontenac asked me what was the strength of Lord Bellomont's Government. I answered that I believed he knew that very well, and that Lord Bellomont by common report could raise 100,000 men. He answered that he had always understood so. While we were discoursing, a number of disbanded troops came to apply for their passports to return to France. Count Frontenac asked why Lord Bellomont was so hasty in hindering the Five Nations to come and treat with him, since Commissioners were coming out to adjust the boundaries. I answered that I wondered what made him so hasty to force King William's subjects to come to him, if the said Commissioners were coming out. He replied, "How can the Five Nations be King William's subjects? They call me father, and a father is nearer than a brother. When we were at Senectady in 1666 to fight the Indians, Corlaer did not protect them, as he would have if they had been his subjects. On the contrary he gave us meat and drink and tended our wounded." I replied that there was no need to assist the Indians then, for they were strong enough of themselves, but that Corlaer, thinking it pity to see so many Christians knocked on the head by Indians, diverted the Indians to prevent the effusion of Christian blood and so enabled the French to escape. "Nor," I said, "do I think you can controvert King William's right to the Five Nations. It was declared long ago, and manifested in Colonel Dongan's time by affixing the King's arms to all the Indian Castles." To this the Count answered nothing, but said "If they do not come in I will pursue my old method with them." I asked him to despatch me as soon as possible, and he said that he would do so. I then left him. About 2 p.m. he sent for my interpreter. I conjectured what the matter might be, having bidden some of my people drop information that the Lieutenant-Governor was come to Albany with three hundred men, and that 600 more were ready to join him on occasion, and this might have reached the Count's ears. I told the interpreter to go, and Count Frontenac or his cousin began to talk about Lord Bellomont's coaches and horses, etc., but at last asked him if the Lieutenant-Governor was at Albany with forces? The interpreter seemed to be surprised at the question, and asked the Count how he came to know it, since he had interpreted no such thing. The Count replied that he had heard it from an English prisoner,

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who had heard it in the interpreter's room (as I had designed) ; and the interpreter then told him the whole story. 11th. Count Frontenac invited me to dine with him next day. 12th. I dined with the Count. A great many officers were present, this being the day for proclaiming the peace. At table the Count gave King William's health, which was drunk by all the officers, whereupon I gave the French King's health ; the Count then gave Lord Bellomont's health, and then peace was proclaimed with all possible acclamations of joy ; the castle fired salutes, and the night ended with illuminations. When taking leave I asked that I might be despatched next day. 13th. Received my letter, but was unable to start owing to foul weather. 14th. Left Quebec, and on the 16th reached Trois Rivières, where we heard that the Sachems of the Five Nations were come to Montreal, which surprised us much. We were also told that Count de Frontenac designed to send the Sachems who came to treat with him as prisoners to France, unless they complied with him. I therefore resolved to go to Montreal to hear what propositions they might make, in the hope of exerting some influence on them. This took me 36 leagues out of my way, as I was returning by way of Sorel. 18th. Reached Montreal and to my great joy found that the report of our Sachems' coming was quite false. Stayed three days, the weather being bad. 22nd. Got to Laprairie by land, and sent the canoe to meet me at Chambly. 23rd. Met the canoe on the way to Chambly. A French Maqua Sachem followed me and bade me tell the Five Nations that if the Governor of Canada attacked them none of their Indians would join him, and that they would give them warning if he should attempt it. 24th. Left Chambly. The French Maqua followed me in order to speak with me apart from the French officer who was sent with me. Indians were forbidden to come to my lodging at Montreal, but I found means while walking abroad to speak with them. The Maquas promised faithfully to return if Lord Bellomont would provide them with good teachers to instruct them in the Christian faith, that being the only inducement which drew them away to Canada. I was informed that the French had sent 100 men with live cattle to Cadaraqui. The merchants of Canada have received an order from the Governor for the recall of all the bush-lopers or Ottawa-traders. Eighty of them obeyed but sixty positively refused to obey, but persisted in their trade and resisted Count de Frontenac's messengers with arms in their hands. This order is obtained in favour of the merchants, so that the Ottawa Indians should come down to Montreal themselves to trade instead of the bush-lopers going to Ottawa to fetch the beaver. I found the French garrisons weakly

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- manned, many officers and men having been dismissed. In Chambly Fort there were not above twelve. There may be between three or four hundred French inhabitants and soldiers in all Canada and about 1,000 Indians whom they can command. *Certified copy. 2½ pp. Endorsed as No. i.*
914. iii. Copy of the Minutes of Council of New York, 6 October, 1698. As to the account given by John Schuyler and his interpreter of their mission described in No. ii. 1 p. *Same endorsement.*
914. iv. Information of Stephen van Cortlandt. Giving evidence as to the illegal introduction of East India goods into New York by the ship Fortune and as to the foreign build of that ship. *Copy. 1 p. Endorsed, Recd. 19 Dec., 1698. Read 1 March, 1698-9.*
914. v. Copy of bills of appraisement of the East India goods seized at Mr. van Sweeten's house. *Total value, £130 15s. 0d. 1 p. Endorsed as No. iv.*
914. vi. Deposition of Gabriel Ludlow, taken 15 October, 1698. As to the landing of certain East India goods from Long Island, which were accounted for and disposed of by Ebenezer Willson, sheriff of New York. *Copy. 1 p. Endorsed as No. iv.*
914. vii. Account of certain grants of land made by Governor Fletcher. A grant to Godfrey Dellius of a tract measuring 86 miles by 12 miles; a grant to the same with four others of 50 miles by 2 miles. A grant to Peter Schuyler and one other of a tract of 20 miles by 4 miles. A grant to Henry Beekman of a tract of 20 miles by 4 miles. Grants to Caleb Heathcote of a tract of 20 miles by 5 miles; to John Evans of a tract of 45 miles by from 16 to 30 miles; to Nicholas Bayard of a tract about 40 miles square. *Copy. 1 p. Endorsed as No. iv.*
914. viii. Deposition of John Williamson, taken 10 September, 1698. As to threats of violence used in Long Island in case Lord Bellomont sent thither to search for contraband goods, and as to the consorting of William Nicoll recently with known pirates. *Copy. 1 p. Endorsed as No. i.*
914. ix. Deposition of the same, taken 10 September, 1698. As to the sending of a barrel of gold, silver and plate by Thomas Willett to Thomas Jones in Long Island for safe custody, since Lord Bellomont was searching for prohibited goods. *Copy. 1 p. Endorsed, Recd. 19 Dec., 1698. Read 13 March, 1698-9.*
914. x. Deposition of Benjamin Thurston, taken 12 September, 1698. That he had heard Williamson speak of the treasure sent by Colonel Willett as described in No. ix. *Copy. ½ p. Endorsed as No. ix.*
914. xi. Deposition of Daniel Thurston, taken 12 September, 1698. As to having seen the barrel of gold and silver, alluded to in No. ix., in a waggon on the way to its destination. *Copy. ½ p. Endorsed as No. i.*

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914. xii. Deposition of Sheriff John Harrison, taken 14 September, 1698. That he had seen the same barrel of money on the ferry going from New York to Long Island, and had heard that it was afterwards shipped away. *Copy. 1 p. Endorsed as No. 1.*
914. xiii. Deposition of Anthony Walters, taken 14 September, 1698. That he carried this same barrel of money from the shore on Long Island to Thomas Jones's house. *Copy. 1 p. Endorsed as No. 1.*
914. xiv. Deposition of Daniel Whitehead, taken 15 September, 1698. That the barrel of money remained at his house one night, being brought and removed again by Anthony Walters. *Copy. $\frac{1}{2}$ p. Endorsed as No. 1.*
914. xv. Deposition of Thomas Jones. 15 Sept., 1698. That Thomas Willett did bring him a letter, as testified by other witnesses, but that this letter had no reference to a barrel of money or to a search ordered by Lord Bellomont for prohibited goods. *Copy. $\frac{1}{2}$ p. Endorsed as No. 1.*
914. xvi. Reasons given by Lord Bellomont for the suspension of Nicholas Bayard from the Council. (1) In breach of his trust and oath he advised Governor Fletcher, contrary to the Royal Instructions, to permit alteration of the value of coin in the province and to proclaim the currency of dog-dollars, a base and foreign coin. (2) He connived at the illegal loading and unloading of several ships at New York. (3) He connived at Governor Fletcher's grant of commissions to notorious pirates who made no secret of their designs, compounded with Governor Fletcher for grant of protection to pirates, receiving a reward for the same, obtained permission for pirate-ships to enter at New York and connived at Governor Fletcher's acceptance of a present of the pirate-ship in consideration of the same. (4) He advised Governor Fletcher's frequent misapplication and embezzlement of public moneys. He accepted extravagant grants of land, part of it being the property of our staunchest Indian allies, the Maquas, and (5) connived at the grant of other extravagant grants of land. (6) He advised Governor Fletcher to take the field to overawe elections and nominate representatives, using threatening language to accomplish the end. (7) He connived at Governor Fletcher's neglect to defend the frontier. (8) He advised the printing of a scandalous and malicious pamphlet concerning the troubles at the Revolution, designing to stir up sedition and abet Governor Fletcher's wicked designs against those that were active in the Revolution. (9) He confederated with several disaffected people to address Colonel Fletcher, soon after Lord Bellomont had issued his warrant for the seizure of the ship *Fortune*, to thank him for his administration, and upbraided Lord Bellomont for discouragement of trade. (10) He

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conspired against Lord Bellomont's government by raising reports of false charges against him, to the disturbance of the Government. *Signed*, Bellomont. $2\frac{1}{2}$ pp. *Endorsed*, Recd. 19 Dec., 1698. Read 12 Jan., 1698-9.

914. xvii. Extracts from the minutes of Council of New York, 23 and 25 March, 1693. Containing orders for altering the value of coin and giving currency to dog-dollars. *Copy*. 1 p.
914. xviii. Extracts from the Minutes of Council of New York, 28 September and 29 November, 1693. Containing orders as to the purchase of provisions by a Dutch ship. *Copy*. 1 p.
914. xix. Copy of a letter from the Attorney-General of New York to Governor Lord Bellomont, 28 April, 1698. After enquiry as to Edward Coates's ship from the Red Sea, I find that after hovering some time about the east end of Long Island one Edward Taylor was landed, who through the mediation of Mr. Nicoll obtained access to Governor Fletcher and permission for the ship to come in to New York. It was afterwards arranged that Governor Fletcher, for certain gratuities, should give such of the crew as remained his protection. The ship was fitted from this port in Leisler's time. *Signed*, Ja. Graham. *Copy*. 1 p.
914. xx. Copy of another letter of the same to the same, of 4 May, 1698. Testifying to the encouragement given by Governor Fletcher to the pirates Tew and Hore. $1\frac{1}{2}$ pp.
914. xxi. Deposition of John and Hannah Hutchins. *Already abstracted*. See No. 860 i.
914. xxii. Extract from Minutes of Council of New York. 2 February, 1693. Containing an order for granting Governor Fletcher £1,800 from the revenue in reimbursement of the expenses of his passage from England. $\frac{1}{2}$ p.
914. xxiii. Extract from Minutes of Council of New York. 6 September, 1692. Containing an order appointing Daniel Honan Accountant-General of the province, with salary of £50 a year. $\frac{1}{2}$ p.
914. xxiv. Extract from Minutes of Council of New York. 13 and 19 October, 1692. Containing orders for a new election for New York city and county, and the Council's advice for the Governor to be personally present at the election. $\frac{1}{2}$ p.
914. xxv. Deposition of Peter Bockhout. 2 June, 1698. As to Governor Fletcher's interference with words and blows in the election at New York in 1692. $\frac{1}{2}$ p.
914. xxvi. Deposition of Jonas Tomes, a centinel of Colonel Fletcher's company. 2 June, 1698. To the effect that he and several other soldiers were brought into the election-field by Governor Fletcher's order to intimidate the electors at an election in New York. $\frac{1}{2}$ p.

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914. xxvii. Extract from Minutes of Council of New York. 4 March, 1698. Containing an order for the printing of a pamphlet with an account of the late transactions in the province. $\frac{1}{2}$ p.
914. xxviii. Copy of the address of certain inhabitants of New York to Governor Fletcher, thanking him for his administration. 1 p.
914. xxix. Certificate of James Graham and Robert Livingston that Nicholas Bayard was privy to certain accusations against Lord Bellomont. 27 October, 1698. *Copy.* $\frac{1}{2}$ p.
914. xxx. Copy of the Act of Parliament for reversal of Leisler's attainder. *Printed.* 2 pp. *Endorsed as No. iv.*
914. xxxi. Minutes of a Conference held by Lieutenant-Governor Nanfan and others with the Sachems of the Five Nations at Albany, 8 October, 1698. An Onandaga spoke first, as follows. Some time since, the Governor of Canada sent us two messengers calling upon us to send each nation a Sachem with our prisoners to Canada, in order to receive back our prisoners from them and to conclude a peace. We answered that peace had already been concluded between England and France, and that we had renewed our covenant with the Governor of New York. We also sent messengers with this intelligence to New York, who brought us an order to hold no correspondence with the French. We then sent word back to Canada that we should not come by way of Cadaraqui but by way of Albany, and we have accordingly appointed our messengers except the Maquas, who are still unresolved, and we have brought with us six French prisoners. We beg the Governor to appoint a fit person to go with us to Canada to witness our proceedings, for we have not yet decided what proposals we shall make there. We told our messengers to Canada to await us at Montreal, as we would not go to Quebec. The Senecas have resolved not to go out against their enemies the Dewogannaes until the return of the Sachems.

Answer of the Lieutenant-Governor. You have done well to bring in your prisoners and to hold no correspondence with Canada. Captain Schuyler is returned from Canada to New York and will bring the Governor's instructions here within three days. Then I will tell you further, and meanwhile do not be terrified at the threats of the Governor of Canada, but rely on the protection of our Great King.

Further Conference held on the 15th October, 1698. The Lieutenant-Governor told the Indians that, considering the length of their journey and the bad weather, he would detain them no longer than to hear Captain Schuyler's account of his mission to Canada. Captain Schuyler then described to them, confirming it with a band

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of wampum. The Lieutenant-Governor then dissuaded them from a journey to Canada, contrary to their late agreement, saying that the Governor would soon force Count de Frontenac to restore the Indian prisoners, whom they would probably find arrived on their return to their castles. He then said that he would take the French prisoners into his custody and condoled with the Onandagas for the loss of two principal Sachems.

Renewed Conference of 17 October, 1698. One Sachem spoke on behalf of all the Indians, as follows. We are well satisfied with your advice and with Captain Schuyler's report, and we deliver our French prisoners to your custody. We shall now return home, holding firm to the covenant chain and throwing ourselves wholly upon you. If any of our young men are gone out to avenge our warriors who have been killed since the peace, are we to recall them?

The Lieutenant-Governor applauded their resolution and bade them recall any young men who had gone out on the war-path, as Lord Bellomont would exact satisfaction from Count de Frontenac for any hostilities committed by the French since the peace. $2\frac{1}{2}$ pp. *Endorsed*, Recd. 19 Dec., 1698; Read 1 March, 1698-9. [*Board of Trade*. New York, 8. Nos. 12, 121.-xxx1.; and (without enclosures), 53. pp. 121-134.]

- Oct. 21. **915.** Abstract of Lord Bellomont's letter of this date. $2\frac{1}{4}$ pp. [*Board of Trade*. New York, 8. No. 13.]
- Oct. 21. **916.** Minutes of Council of Maryland. Order for a day of public thanksgiving for the abatement of the late sickness and disquiet in the province. Thomas Tench appointed Admiralty Judge of the eastern as well as the western shore, and the commissions of the officers enlarged accordingly. Order for arrest of James Brains for reflections cast on the Government. Order for arrest of the Reverend George Tubman for bigamy. The Governor proposed that the proceedings against Philip Clarke at the late Provincial Court be communicated to the House of Delegates to warn them against him. Agreed to lay the Council of State's letter of 21 March, 1698, and the Jamaica Act for pirates before the Delegates. William Dent appointed Attorney-General in place of George Plater resigned.
- Oct. 22. Thomas Meryweather made his report of his late journey with letters to Sir E. Andros, when Sir Edmund evaded giving him any answer. Arrangements made for the reception of Governor Blakiston. Captain James Brains was brought up, and the depositions against him were read; when he denied using the words attributed to him, saying if he did use them he was in drink. The matter was referred to the law-officers. Thomas Tench and the officers of the Admiralty Court were sworn. [*Board of Trade*. Maryland, 13. pp. 639-644.]
- Oct. 22. **917.** Journal of House of Delegates of Maryland. The House met, having been prorogued for want of members on the

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18th; and the Speaker and Delegates attended the Governor, who made them a speech, appointing a day of thanksgiving for the abating of the sickness and the end of the late commotions. He then delivered several papers, including letters from the Council of Trade, papers relating to the cool springs, and copies of Coode's and Slye's articles against him. He then said that he could not understand why they wanted to have their Clerk sworn to secrecy, and that it was very unparliamentary for them to order their Speaker to keep a journal, though they might themselves transcribe the proceedings at their pleasure; he was, however, willing that both Council and Delegates should be sworn to secrecy, to prevent false stories and reports. Finally he asserted that all his endeavours had been for the good of the Colony. Two Councillors produced a commission for Christopher Gregory to be Clerk, upon which he was sworn and admitted. [*Board of Trade. Maryland, 15. pp. 297-300.*]

Oct. 22. **918.** Minutes of Council of Maryland in Assembly. Petition as to Rangers considered. The Governor proposed to the Delegates that Christopher Gregory should be their Clerk; of whom they approved, but refused to swear him until he should have taken the oath of secrecy. Speech of the Governor to the Delegates. [*Board of Trade. Maryland, 14. pp. 347-352.*]

Oct. 22. **919.** Minutes of Council of New York. Robert Livingston's and other accounts from Albany and Colonel Romar's accounts were referred to a Committee. Sundry petitions dealt with. Order for payment of £20 to Augustine Graham for making a map of the province. Order for inspection of the beds of the soldiers of the Lieutenant-Governor's Company. The Lieutenant-Governor produced his conferences with the Indians at Albany, which were approved. The Governor and Council gave him their thanks. Sundry petitions dealt with and accounts referred to a Committee. [*Board of Trade. New York, 72. pp. 156-158.*]

Oct. 23. **920.** Governor Grey to Council of Trade and Plantations. I should earlier have reported my arrival and what has passed since, had not indisposition, due to the change of climate, disabled me from meeting the Council and Assembly as often as I intended. I adjourned them, at their own request, for longer than I should have, owing to a distemper in the town. Hence little business had been done beyond prolonging the Excise Act for two months, passing an Act to ascertain the privileges of the Assembly, and another Act for the printing of the laws, which for that purpose have been collected and supervised. I send states of the stores in the magazine and forts, and as soon as corn-harvest and cane-planting is over I hope to take a general review of the forces. Mr. Sharpe, the Commissioner of Customs here, complains to me that European goods, not from England, and foreign enumerated commodities are frequently run into bays and creeks here, where no officer is provided, also that vessels, cleared from the Custom-house here with little or no cargo, lie off the island and are further loaded by small vessels with goods which are carried to foreign markets. Since there is but one small wherry and four watermen allowed

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to the Custom-house here, they cannot always be out to prevent it. What we need is a light vessel of twelve or fourteen guns, to be always ready upon any intelligence of such attempts. This would contribute to the advancement of the Customs and would treble pay the charge of the vessel. *Signed, R. Grey. P.S.*—I omitted to say that Mr. Sharpe has been very vigilant in discovering the landing of prohibited merchandise, and though he may thereby have gained the ill-will of some merchants here who find their account in such unlawful practices, yet I think he should be countenanced. $1\frac{1}{2}$ pp. *Endorsed, Recd. 19th, Read 20th Dec., 1698. Enclosed,*

920. I.-II. Accounts of Stores in the Magazine at Barbados, 22 August, 1698. 4 pp. *Endorsed, Recd. 19 Dec., 1698.*

920. III. Account of the Ordnance, arms, stores, etc., in the forts at Barbados. 2 pp. [*Board of Trade. Barbados, 7. Nos. 71, 71 I.-III.; and (without enclosures), 44. pp. 228-232.*]

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New York.

921. Governor the Earl of Bellomont to Council of Trade and Plantations. This is to give you an account of the state of the frontier and fortifications. Colonel Fletcher when he was here valued himself very much to me on the defence of our frontiers. It was happy for him and the province that the frontier was never attacked, and one would think that the Governor of Canada was not aware until lately of the weakness of the garrisons. If by Providence last winter had not been the severest within the memory of man, the French had certainly destroyed both Albany and Senectady. I am well informed that they were prepared for it at Montreal, having in readiness 1,500 pair of raquettes or snow-shoes, 140 small boats and 250 canoes, but the snow being deeper than the height of a man, they dared not execute their design. Albany and Senectady are equally defenceless, having only a single row of stockades without ditch or wall, so that any hardy enemy may come and single out with their muskets such men as they please, for I observed many spaces in the stockades, and they are even with the surface of the ground. If the French had attacked Albany last winter with half the number of men that they had provided at Montreal, they could not (humanly speaking) have failed to take it, though I do not think they would have thought it worth keeping. The plunder they would have had, but it was not that but the Five Nations that were their object, and it is more than probable that those would have revolted to them upon such a loss and disgrace. God be thanked for the province's escape. You will have seen two addresses, printed together with the conferences with the Indians, which were presented to me by the inhabitants of Albany and Senectady. Therein they earnestly desired the building of good defensible forts. Colonel Romar has been at great pains to view both these places and prepare estimates for two stone forts with barracks, and he reckons the charge for both at £9,000. He is returning in H.M.S. Deptford, and will submit his plans to you, as they were projected if he had not been recalled. When the £9,000 will be obtained I know not, for the Assembly will never be brought to continue the present

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revenue and raise this sum for forts in addition. This city and country are rich, as is Long Island, for they lie convenient for trade, but the inland parts of the province are poor. In my next letter I shall propose a fund for building these forts, and I beg you to obtain orders for them to be begun next spring. Pray also let Colonel Romar be sent out again, for I have a high opinion of his honesty, and I shall do my best that neither he nor anyone else shall "make a hand of building those forts." It is wonderful to me that he is recalled when he has scarce had time to view the frontiers, and had made yet no report home of their condition. If such forts are built and well garrisoned the French will never make any impression in the province, and it would be the surest way of securing the Five Nations to us, for they are as sensible of our weakness as we are. Good forts as retreats for them and for us would animate them and engage them to us. There have been formerly two or three forts more advanced towards Canada than Albany and Senectady, but in my opinion they are superfluous. If these two places were fortified it would be enough. They are well situated, Albany for covering the provinces from attack from the side of Canada, Senectady for doing so likewise in part and for covering the Indians, being commodiously seated on the Mohawk River and far more pleasantly than Albany. When I speak of the advanced forts as superfluous, I mean, of course, in time of peace. In time of war it would be most necessary to fortify Canestagione and the Half-Moon with sod-works and stockades; but that can be done upon occasion. *Signed, Bellomont. 2 pp. Endorsed, Recd. 19th, Read 20th December, 1698. 2 pp. [Board of Trade. New York, 8. No. 14; and 53. pp. 138-141.]*

Oct. 24.
Boston.

922. Lieutenant-Governor Stoughton to Council of Trade and Plantations. In a letter of 25 July last I advised the agents of the pretensions of the French to the fishing ground in the high seas about the coast of Acadia or Nova Scotia, which have even from the discovery and first settlement of this country been used by the King's subjects as their just right and privilege until this time, when the captain of a French ship-of-war meeting with some of our fishermen on the coast signified to them that he had orders from the French King to guard that coast and to make prize of all English vessels fishing in those seas. Our agents were instructed to acquaint you hereof and to secure for the King's subjects the benefit of the fishery as heretofore, which I presume they have done. I have since received further information on the matter, and as to the peremptory challenge of the French to the right of this fishery, as also to extend their boundaries in the mainland to the Kennebec, as the enclosed letter from Mons. Villebon to myself will show you. It is the Council's advice that this matter, being of so great importance, be laid before you forthwith, this being, presumably, the season for asserting our ancient boundaries and rights of fishery, against the meeting of the Commissioners of the two Crowns to settle the rights and pretensions of both parties to the places situated in Hudson's Bay. Mr. John Nelson, a gentleman of great knowledge and experience as to Nova Scotia, its past history and the utmost bounds to westward claimed by the French,

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has communicated to us some memorials which he has laid before you. He particularly represents that the utmost boundary of the French to westward never extended beyond the eastern bank of St. George's river, and that only by the Treaty of Breda, before which all the country was in possession of the English. He also sets forth the ancient right of the English to the fishery. Copies of these memorials are enclosed to you, and we beg your particular attention to that dated from Paris, 26 January, 1698, shewing the fatal consequences of any concession to the claims now advanced by the French. The arguments seem to be very weighty, and it may be added that if a large part of the province now claimed by the French be yielded to them, many English subjects will lose their ancient rights and settlements, acquired both by grant from the Crown and by purchase from the natives, which they have improved at great labour and expense, building several towns thereon. There are moreover so many large and commodious harbours on that coast that in case of an eruption with France, the French would have great advantages to annoy if not ruin the navigation of this country. It would also deprive the King's subjects of their fishery here, on which they have so great dependence. I have acquainted Lord Bellomont of this application to you and have asked him to second it, which I hope he will do by next ship, and I hope that you will take early care to assert our rights and to resist the pretensions of the French. We cannot expect to enjoy peace and quiet while the French are so near and persist in these unjust pretexts. *Signed, Wm. Stoughton. 3 pp. Endorsed, Recd. 23rd Dec., 1698. Enclosed,*

922. 1. The French Governor of Acadia to Lieutenant-Governor Stoughton. St. John's River, 5 September, 1698 (N.S.). I send this by Mr. David Bassett whom I have detained here since last year, and whom the King has pardoned for all that he has done against us on condition of his settling here. I am sure therefore that you will allow him to return and let him make an end of his business without molestation, as I should do in a similar case. I am much surprised, in view of my request as to our Indians who are prisoners in your hands, that you have made no answer, and persist in detaining them. I shall say no more of it than to refer you to my last letter on the subject. I am told that you have several fishermen on our coasts, and that you allow your people to trade with the French settlements. I warn you that I shall order all English engaged in such fishery or trade to be seized, for you have no ground for not knowing that this is absolutely forbidden by the Treaty which you yourself sent me, the more so since Mons. de Bonaventure has already this year sent back to you some of your fishing boats, with information that if they return to the fishery and trade aforesaid they will be made prize. I have orders from my King to observe the Treaty of Neutrality concluded in 1686. I have also special instructions to maintain the boundaries between

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ourselves and New England, that is to say from the Upper Kennebec to its mouth, the course of the river being free to both nations. I doubt not that you will conform thereto and will forbear in future to treat the Indians settled there as your subjects, in order to avoid regrettable consequences. *Signed, Le Ch^{lier} de Villebon. Original. French. 2 pp. Translation on the opposite page. 1½ pp. Endorsed, Recd. 19 Dec., 1698.*

922. ii. Copy of John Nelson's memorial to the Council of Trade, of 2 November, 1697. *See No. 21.*
922. iii. Copy of a letter from John Nelson to Council of Trade and Plantations. Paris, 26 January, 1698. What I have learned since my stay here confirms me in my opinion of the necessity for asserting our rights as to the fishery off Nova Scotia and of inserting special clauses to safeguard them. The French will endeavour, and will entrust their Commissioners, to claim the Kennebec as their boundary with New England, on pretext that, the river being the largest and best known in these parts, they will be able to restrain the Indians from passing such a boundary to make incursions on us. To concede such a claim would be as fatal to the prosperity of our Colonies as the surrender of Nova Scotia by the Treaty of Breda. The Indians referred to, being our greatest enemies, will be encouraged against us rather than otherwise if made over to the French, for they will interpret the concession as due to weakness on our part. If the French wish to restrain the Indians, nothing is more easy than to keep them within their former limits, namely St. George's river, the ancient boundary fixed in Sir Thomas Temple's patent. If the French claim be conceded, the following will be the consequences. (1) We shall lose four or five of our best fishing-harbours. (2) The river, being much larger than Piscataqua, will furnish a perpetual supply of naval timber after Piscataqua is exhausted. (3) The goodness of the land and the convenience of the situation render it advantageous for us to re-establish the settlement. We could then regain the Indians, for we give them better prices for their peltry and supply them cheaper than the French; indeed, we should never have lost the Indians but for the mismanagement of some among us, which gave the French an advantage and enabled them at last to stir the natives to war against us. I say that they can be regained, for they understand their own interest as well as other people. As to the fishery off Cape Sable, the French will obstruct us if they can, and nothing but a vigorous assertion of our rights will save us. But I shall not repeat what I have said on this point. I hope to be in London three weeks hence. *2½ pp.*
922. iv. Deposition of John Swaty and another. While fishing off Cape Sable we were driven by weather into

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Chebucto, where we found a French man-of-war. They sent a boat aboard us, brought us off, rebuked us for daring to fish in French waters, and after forty-eight hours' detention dismissed us on 24 September, warning us that if we came again our vessel should be forfeited. Sworn 24 October, 1698. *Copy.* 1½ pp. *Endorsed,* Recd. 19 Dec., 1698. [*Board of Trade.* New England, 9. Nos. 37, 37 I.-IV.; and (without enclosures II., III., IV.), 37. pp. 64-73.]

- Oct. 24. **923.** Minutes of Council of Massachusetts. The letters to the Council of Trade (*see preceding abstract*) and to the Agents respecting the encroachments of the French were read and approved. [*Board of Trade.* New England, 49. pp. 177-178.]
- Oct. 24. **924.** Minutes of Council of Virginia. Order for supply of provisions to H.M.S. Essex. The report on the revision of the laws was promised for to-morrow, and the report on the draft Ports Act was ordered to be ready at the same time. William Byrd was appointed to be Agent for the Colony in England.
- Oct. 25. The Committee drew up their report on the revision of the laws, to the effect that the collection made by the Governor was as effectual and full as could be made.
- Oct. 26. The above report was presented. Order for all tobaccos shipped in Virginia to pay Virginia duties, whether brought from other ports or not. [*Board of Trade.* Virginia, 53. pp. 146-148.]
- Oct. 24. **925.** Journal of House of Delegates of Maryland. A sheriff was sent for to account for the detention of Mr. Philip Clarke in prison, who informed the House that Clarke was under an execution at the King's suit. Resolved to address the Governor on Clarke's behalf.
- Oct. 25. Adjourned till to-morrow.
- Oct. 26. Address to the Governor. Philip Clarke is detained from the service of this House, which we find by precedent that he ought not to be except for treason-felony or denying surety for the peace. We beg therefore that he be permitted to take his seat. Message from the Governor summoning the House to attend him, when the Governor caused the above address to be read, and then said that he would now see who was for the King and who against him. He then told the House that Clarke had been found guilty of divulging false news under an Act of Assembly, and sentenced to six months' imprisonment; and that whoever tried to deliver him from prison was a rebel. Then saying that he admired how the House could say the prayer in the Litany against sedition and yet act so seditiously, he dismissed them. Moved that the House ought to resent the Governor's words in distinguishing who were for and who against the King, and his words as to the Litany, and resolved that a committee be sent out to show in modest terms the House's resentment thereof. Committee appointed to consider the prosecution of Mr. Clarke's enlargement.
- Oct. 27. The House attended the Governor at his summons. The Governor then said that he admired that he had received no answer yet to his message of yesterday, and prorogued them till the following day. The Speaker then prorogued the House.

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Oct. 28. The House attended the Governor at his summons, who recommended to them (1) certain letters from the Council of Trade, (2) the matter of rangers, (8) Indian affairs, (4) the Indians at the head of the bay and Lord Bellomont's account of the Indians, (5) concerning the cool spring, (6) the state of the public accounts and his willingness that half of the money in bank should be devoted to easement of the country-dues. Committee appointed to consider as to Mr. Clarke's enlargement, and another committee to examine the whole body of the laws of the province. The committee upon Mr. Clarke's business presented a report, on which it was resolved to present the following address to the Governor. We must again insist upon our privileges and claim the release of Philip Clarke. If you determine and adjudge that a member of the House of Commons in the like case would not enjoy privilege of Parliament, then for the present we will acquiesce, but if not we claim his privilege for him, and deprecate any displeasure of yours at our petitioning for his attendance.
- Oct. 29. Yesterday's address sent to Council. Order for preparation of a private bill. Committees of accounts and grievances appointed. Order for sixteen members and the Speaker to be a sufficient number to make a house. Message from the Governor and Council. We cannot immediately give you our opinion as to the privileges of the House of Commons, without mature consideration. We recommend your attention to business, for you cannot be ignorant of the vast expense to which you have put the country. Further message from the Governor, submitting a treaty made with the Indians at the head of the bay and asking as to the desirability of writing to the Governor of New York respecting them. On this the Delegates are of opinion that the Shawanoe Indians have nothing to do with New York, and the Susquehannah Indians are supposed to lie outside the boundaries of Maryland. On a further question the Delegates were of opinion that the Royal Instructions as to liberty of conscience have not been violated by the Roman Catholics in the province. Joint Committee appointed to examine the public accounts, and certain instructions given to them. Petitions of the Rangers postponed until the officers come to town. [*Board of Trade.* Maryland, 15. pp. 300-315.]
- Oct. 24. **926.** Minutes of Council of Maryland in Assembly. The Governor pointed out that in the charges of Coode, Slye and Clarke it was objected against him that the Roman Catholics had a chapel at St. Mary's, and that he would lay the Royal instruction as to liberty of conscience before the Delegates for their opinion thereon.
- Oct. 25. Order for Samuel Watkins's accounts to be sworn to, with the remark that he had made a short entry of a cargo of negroes.
- Oct. 26. Message from the Delegates as to permitting a post-entry of the said negroes, agreed to. Address of the Delegates concerning Philip Clarke, on which the Governor remarked that the Speaker had not the manners to wait upon him, though he waited on Clarke, a criminal convicted by a jury. He then summoned the House, which had adjourned, but afterwards attended, when the Governor read the Act on which Clarke was convicted and the depositions

1698. against him, told them that he should consider any attempt to procure an illegal release for Clarke as seditious, and discharged them.
- Oct. 27. The Governor noticing that the Delegates persist in their heats and broils and will not attend to business, prorogued them for a day. Advised that, if they will not attend to business, they be prorogued and that the Councillors and Rangers be paid.
- Oct. 28. In view of the division of the Delegates the Governor recommended but few matters to them (*see preceding abstract*). Instructions to the Joint Committee on Accounts. Regulations as to marriage-licences to be drafted into a bill. The Governor asked the Council's advice as to the best course to be pursued with the Delegates.
- Oct. 29. The Delegates' address as to Philip Clarke received and an answer sent to them. [*Board of Trade. Maryland, 14. pp. 352-363.*]
- Oct. 24. **927.** Minutes of Council of Maryland. George Plater sworn Naval Officer of Patuxent. Order for the former Naval Officer to deliver the records to him. On the case of Thomas Lovett, whose ship was condemned for breach of the Acts of Trade, it was ordered that if he produce the ship and cargo he may be allowed to buy them at the appointed value, which offer he thankfully accepted. Order for public notice to be given that any informer of a breach of the Acts of Trade shall have a tenth of the prize if condemned. The Governor remitted his share to Lovett on condition that he paid £30 to the poor at the cool springs.
- Oct. 25. Petition of James Brains, making his submission, whereupon the Governor, though saying that he was not to be taken by a few fair words, said that he would remit the prosecution. Gerard Slye appeared, as required by his bond, when the Governor said that he complied neither with human nor divine obligations, but that as this was the day of thanksgiving he should be discharged from his bond.
- Oct. 26. Order for seizing a pinnace, supposed to belong to one of the King's ships, and for arrest of the men in possession of it. The Attorney-General's draft commission approved. Order for deferring the Court of Appeal.
- Oct. 27. Orders as to transcription of the Journals; when, the Journals of the Delegates being produced, it was noticed that the Speaker had prorogued the House after its prorogation by the Governor. The Clerk, on examination, said that the Speaker had moved the House to show their resentment of the Governor's words yesterday concerning disloyalty, sedition, and taking Philip Clarke out of prison. Order for Richard Smith to be brought before the Council. On his coming, he said, in reply to questions, that he was Lord Baltimore's Surveyor-General, whereupon the oaths were tendered to him and he refused to take that of allegiance. He was thereupon fined forty shillings, and committed to custody until payment thereof. Order that the oaths be tendered to all of Lord Baltimore's officers.
- Oct. 28. The Reverend George Tubman was brought before Council, when being charged with bigamy he confessed that he had no wife in England, though it was true he had asked for leave to go to England to

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fetch his wife. The Governor then handed the matter over to the clergy then in town, who reported as follows. There is a woman in England whom Tubman owned as his wife, but he says that he was never married to her. He admits that he has frequented horse-racing and has been guilty of drunkenness. We recommend that he be suspended. His suspension was served on him accordingly. Robert Smith summoned to the Council-board.

Oct. 29. Edward Batson was sworn as Clerk of Appeals. [*Board of Trade*. Maryland, 13. pp. 644-657.]

Oct. 25. **928.** The case of Nicholas Trott, the elder, late Governor of the Bahamas, in the matter of the ship *Fancy* *alias* Charles, Every *alias* Bridgeman, commander. The said ship anchored 20 leagues from Providence in April, 1696, and sent a message, in the name of Bridgeman of the ship *Fancy*, for leave to come into Providence, being quite out of provisions, adding that they had done nothing for which they would not answer, and were willing to surrender themselves to the Government. (2) The Governor then called the Council, and it was agreed that the ship should be admitted on every account, nothing being known against her. There were 113 of them besides negroes, and there were not above 60 men in Providence at the time. (3) Even if the people of Providence had been stronger, it would have been necessary to have invited the ship in, for on the 4th April the French had taken the chiefest of the salt-ponds and were meditating an attack on Providence, had they not heard of the arrival of this ship, which had 46 guns. (4) The pirates, after landing, pretended to have been on the Guinea Coast as interlopers, and the people of Providence, knowing nothing of such people, saw no reason to disbelieve them. (5) They kept their own counsel and behaved very well, so that it was only possible, on the suspicion aroused by their plenty of money, to take bond for them on the best security on the Island. No sooner were strangers come who recognised the ship than the Government caused one or two persons, who were said to have information, to be examined, but they could give no information. (6) Seven months after their arrival the Governor of Jamaica wrote that they were Every and his crew, but gave no proof; however, Governor Trott issued a warrant for the arrest of all that could be found. (7) The matter was then referred to the Council, who thought that the bonds already taken were a better security than Providence prison. However, no sooner did the Lords Justices' proclamation appear than the ship was seized, and as many as possible of the men were arrested in the hope that evidence might be found before the Assizes. (8) Meanwhile the owners of the ship, knowing Trott to be a man of some estate, hoped to make up their losses sustained by the said ship, and brought the following charges against him. (i) That he accepted £1,000 from the pirates to admit them. *Answer.* No time, place or person is specified, so it is impossible to answer such accusations, but Trott absolutely denies the truth of it. The two men upon whose evidence the charge rests were both notorious pirates, one of whom was executed and the other saved his life by turning informer. Their affidavits are inconsistent, contradicted by other witnesses, and in themselves

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incredible. (ii) That he knew these men were pirates. *Answer.* How could he know it; and how could he have secured 113 men on suspicion? Supposition is not proof. (iii) That he supposed them to be interlopers. *Answer.* He did. (iv) That in that case there was no occasion to make a treaty, unless they were pirates. *Answer.* They were afraid of arrest by an Agent of the African Company. (v, vi) That an interloper would have gone to Europe with her cargo. *Answer.* She was short of provisions and unsound owing to the worm.

On the importunity of the owners, however, the Proprietors removed Trott from his Government and ordered Captain Webb, his successor, to report on the whole matter. Captain Webb has written to them accordingly, and his letter is so full of justification of Trott that it is here set out in full. *Here follow copies of the letter and of a survey of the ship Fancy alias Charles. The whole, 12½ pp. Endorsed, Communicated by Mr. Hill, 25 Oct., 1698. [Board of Trade. Proprieties, 2. No. 37.]*

Oct. 25.
Whitehall.

929. Council of Trade and Plantations to Governor the Earl of Bellomont. Yours of 8th, 18th, and 25th May, 22 June and 1 July, with their enclosures, have been received, also papers delivered by us to Mr. Weaver. We have been much troubled to hear of your difficulties and commend your zeal. Your advices as to pirates and illegal trade are very useful; we entreat you to continue them. You may pardon Samuel Burgess and Edward Taylor. Notwithstanding Governor Fletcher's protections (which promise only the protection of the law) you will prosecute all pirates against whom you have evidence. Wherever the law enables you, proceed against pirates and suspected pirates. We sent a new Act lately passed concerning a New East India Company, which will resolve your doubts as to trade with Madagascar. As to the settlement made there by Mr. Baldrige, he is one of the most mischievous managers of the pirates' trade; he should be punished if evidence can be procured. We have information that the settlement in Santa Maria was cut off by natives in 1697. Endeavour to ascertain the truth from Baldrige, Moston and others. We enclose you a deposition which may enable you to prosecute Captain Knot, of the New England ship Swift, for illegal trade; also a deposition of Humphrey Perkins as to the voyage of a New York ship, owned by Colonel Depeyster, to Curaçoa. Perkins was master of the ship Frederick, belonging to Frederick Phillips of New York and lately employed in trading with pirates, and he is said to have been himself a pirate. We send you an additional instruction as to the Lieutenant-Governor's salary (*see* No. 903), also a letter to the Governor of Rhode Island respecting the favour there shown to pirates, which you will forward to him, and the like to the Governor of Connecticut. A copy is enclosed for your information. We have made a representation to the Lords Justices of the State of New York, founded on your letters and enclosures, and shall inform you of the particulars when we receive their orders thereon. *Signed, J. Bridgewater, Ph. Meadows, John Pollexfen, Abr. Hill. [Board of Trade. New York, 53. pp. 36-42.]*

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Oct. 25.
Whitehall.

930. Council of Trade and Plantations to the Governor and Council of Connecticut. We have received yours of 27 January last, also Major-General Winthrop's of 1 July. We must repeat our request for authentic copies of your laws, which it is absolutely necessary should be before us. As regards pirates, we observe that in most places execution is needed more than laws. We therefore recommend to you vigilant care for the punishment of such persons, for we observe that they shift from place to place where they think themselves most secure. Many sorts of illegal trade have a great connection with piracy, notably the connivance at the introduction of East India goods, piratically taken, from Madagascar. The resistance to an attempt to seize such goods in Stanford in July last makes us believe that Connecticut is not wholly guiltless of this traffic. You will furnish an exact account of this transaction to us. *Signed, J. Bridgewater, Ph. Meadows, Jno. Pollexfen, Abr. Hill.* [*Board of Trade. Proprieties, 25. pp. 250-252.*]

Oct. 25.
Whitehall.

931. Council of Trade and Plantations to the Governor and Company of Rhode Island. We have received yours of 8 May last in reply to ours of 9 February, 1697. We cannot but take note of your delay in replying, since we know by the receipt of one of your officers that our letter remained in your hands for some months unanswered. You send us copies of acts and proclamations in defence of your conduct in relation to pirates, and seem to say that Rhode Island has never countenanced them, adding that William Mayes was cleared from your Custom-house for Madagascar, with a lawful privateer's commission. All this is very well, but for your further justification against aspersions that have been and still are cast upon you, we desire to have copies of all private commissions granted by your Governors or Deputy-Governors during the late war, as also of the bonds given by the said privateers on receiving the said commissions. You report that you have seized two persons, Robert Munday and George Cutter, and their money, and meant to bring them to trial. We wish that you had also seized the other six of their comrades, who were under the same suspicion, and the goods and money that they had with them. You will, however, send us authentic copies of all the proceedings in respect of these two men, from first to last, omitting no particulars whatever, and we expect this from you speedily, for your further justification. *Signed, J. Bridgewater, Ph. Meadows, Jno. Pollexfen, Abr. Hill.* [*Board of Trade. Proprieties, 25. pp. 252-256.*]

Oct. 25.
Whitehall.

932. William Popple to Governor Basse. I have communicated yours, dated April, to the Council of Trade. Your proposals for suppression of illegal trade will, I suppose, come under the consideration of the Commissioners of Customs. Your proposal to equalise all duties on commodities in the Colonies by Act of Parliament is too weighty for me to give an opinion on; but knowing that the suppression of pirates is absolutely necessary for the welfare not only of England but of all honest men in the Colonies, I cannot but commend the zeal which you have expressed and feel confident that you will omit nothing which will contribute thereto. [*Board of Trade. Proprieties, 25. pp. 256-258.*]

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Oct. 25. **933.** Council of Trade and Plantations to the Lords Justices
Whitehall. of England. The name of Richard Lillington was by mistake written in Governor Grey's instructions as one of the Council of Barbados. It should have been George Lillington, who by reason of this error is incapable to act as Councillor. We recommend that he be reinstated by your authority in his former rank in the Council. *Signed, J. Bridgewater, Ph. Meadows, John Pollexfen, Abr. Hill.* [*Board of Trade. Barbados, 44. pp. 223-224.*]
- Oct. 25. **934.** Order of the Lords Justices of England in Council. That
Whitehall. a letter be written to Governor Grey to swear George Lillington of the Council of Barbados and re-admit him to his former precedence therein. *Copy. ½ p. Endorsed, Recd. Read 1 Nov., 1698.* [*Board of Trade. Barbados, 7. No. 72; and 44. pp. 225-226.*]
- Oct. 25. **935.** Council of Trade and Plantations to the Lords Justices
Whitehall. of England. On the claim of Sir Thomas Laurence to £150 (*see No. 863*) we report as follows. On the death of Governor Copley on 12 September, 1693, the administration of the Government devolved upon the Council, of which the senior member ought to have presided. Sir Thomas Laurence was the senior member, but at the time lay under suspension, which was taken off by order in Council some months later, as illegal and arbitrary. Upon Governor Copley's death, Sir Thomas was admitted to sit in Council, but Sir Edmund Andros, by ill-grounded use of his commission, took upon him the government of Maryland for the time being, and after a fortnight's stay appointed Colonel Nicholas Greenberry, the fourth in seniority in the Council, to be President. About April, 1694, some time after notice of the annulling of Sir Thomas Laurence's suspension, Sir Edmund Andros came again to Maryland, and staying there a week carried away, by consent of the Council, £500 on account of his salary as Commander-in-Chief, and directed £150 to be paid to Colonel Greenberry as president. On the arrival of Governor Nicholson in July, 1694, the Assembly, to avoid disputes, passed an Act confirming all Sir Edmund's proceedings, except his disposing of the revenue voted for support of government. Thereupon Sir Edmund voluntarily refunded most of the money which he received, and Colonel Greenberry has since given security to refund his £150 when ordered. In strictness, however, Sir Thomas Laurence has no more right to the President's salary than Colonel Greenberry, but considering the injustice of his suspension and that, but for it, he would probably have received the money, we think that in disposing of the money the Governor and Council may regard his claims favourably. *Signed, J. Bridgewater, Ph. Meadows, John Pollexfen, Abr. Hill.* [*Board of Trade. Maryland, 9. pp. 304-309.*]
- Oct. 25. **936.** Order of the Lords Justices of England in Council.
Whitehall. Approving the proposals of the Council of Trade in their representation of 19 October (*No. 904*) as to the suspension of Councillors, suppression of pirates and annulling of land-grants, and referring back that part which refers to the state of the forces in New York to the Council of Trade for their recommendation of remedies. *Signed, Wm. Bridgeman. Copy. 1½ pp. Endorsed, Recd. Read 26 Oct., 1698.* [*Board of Trade. New York, 8. No 15; and 53. pp. 43, 44.*]

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Oct. 25.
Whitehall.

937. Order of the Lords Justices of England in Council. Referring back the representation of Colonel Fletcher's illegal practices to the Council of Trade, that Colonel Fletcher's defence may be heard, and a report submitted upon the whole matter. *Signed*, Wm. Bridgeman. $\frac{1}{2}$ p. *Endorsed*, Recd. 5th. Read 7th Nov., 1698. [*Board of Trade*. New York, 8. No. 16; and 53. p. 89.]

Oct. 25.

938. Journal of Council of Trade and Plantations. Mr. Littleton and Mr. Povey attended upon the business of the denization of foreigners by Governors.

Three letters and two representations signed.

A paper called the Case of Nicholas Trott was presented (No. 928).

The following letters were received and read: one from Captain Norris of 31 August, two from Mr. Addington of 26 May and 12 July, one from Mr. Usher of 20 June, one from the President and Council of Barbados of 12 July, and three from Sir Edmund Andros of 5 June and 8 July.

Acts of Massachusetts further considered.

Oct. 26.

Order in Council of 25th ult. upon the state of New York received, and directions given for draft letters to be prepared accordingly.

Acts of Massachusetts further considered.

Oct. 27.

Representations as to denization of foreigners, as to the defences of New York, and as to Naval Officers and Proprietary Governments signed, and copy of the last ordered to be sent to Mr. Lowndes. Letter to Sir William Beeston signed.

Acts of Massachusetts further considered.

Oct. 28.

Representation accompanying the draft of a letter as to New York signed. [*Board of Trade*. Journal, 11. pp. 263-267.]

Oct. 27.

Whitehall.

939. Council of Trade and Plantations to the Lords Justices of England. Recommending that Colonel Romer be allowed to stay in New York to look to the fortifications there until Christmas, 1699, and that 200 recruits be sent to New York. *Signed*, J. Bridgewater, Ph. Meadows, John Pollexfen, Abr. Hill. [*Board of Trade*. New York, 53. pp. 45-46.]

Oct. 27.

Whitehall.

940. Council of Trade and Plantations to the Lords Justices of England. On the subject of Acts of Denization referred to us by your Order in Council of 20th inst. (*see* No. 910), we report as follows. We do not find that Governor Fletcher or any other Governors in America had or have any authority by their commissions to endenise foreigners; and though in some cases this power has been conferred on Governors by their Assemblies, yet it has been so limited as not to extend to any advantage to any persons denised beyond the bounds of the Government where the grant was made. But we do not understand that upon one pretence or other any grant has been granted in such large terms as this by Governor Fletcher, for it is expressly to enable the person denised to trade to and from New York (without regard to Acts of Parliament in England) though some pretences have formerly been made to a very large interpretation of similar grants. Thus in 1682, Governor Stapleton caused a vessel part-owned by a Frenchmen,

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naturalised by Lord Culpeper in Virginia, to be seized and condemned, and the sentence was confirmed by the late Committee of Trade and Plantations. We think the letters of denizenation granted by Governor Fletcher not only grounded on no authority, but of most pernicious consequence and directly contrary to the intent of the Acts of Trade. We therefore think the judgment of the Provincial Court of Maryland in acquitting Arnold Noding's vessel to be contrary to law, and that the Attorney-General was right in appealing from it to the Governor in Council. *Signed*, J. Bridgewater, Ph. Meadows, John Pollexfen, Abr. Hill. [*Board of Trade*. Maryland, 9. pp. 309-313.]

Oct. 27.
Whitehall.

941. Council of Trade and Plantations to Governor Sir William Beeston. Since our last of 19 May we have received yours of 6 April, 31 May, 4 and 6 June and 5 July. We have recommended to the King the remission of the forfeiture incurred by you through your delay in taking the oath to the Act for regulating the Plantation Trade, and have left the soliciting of the affair to Mr. Heathcote. Your representations as to the inconvenience of patentees not fulfilling their offices in person shall be laid before the King. Neither Mr. Lloyd nor Mr. Brodrick have made any application to us, so we say nothing of them. If they do apply to us we shall remember what you write. Your last letter as to the Assiento makes it unnecessary for us to take any notice of Sir James Castillo's petition; but if there had been any difficulties in relation thereto we are so sensible of the advantages brought by the Assiento to Jamaica that we should willingly have contributed our endeavours to remove them. *Signed*, J. Bridgewater, Ph. Meadows, John Pollexfen, Abr. Hill. [*Board of Trade*. Jamaica, 56. pp. 230-232.]

Oct. 27.
Whitehall.

942. William Popple to William Lowndes. I forward copy of a representation to the Lords Justices (*see next abstract*) for communication to the Lords of the Treasury, it being drawn in accordance with the desire signified in your letter of 14th inst. (No. 894). The Council of Trade will make use of that part of the enclosure therein which relates to irregular trade through Newfoundland at some fit opportunity. [*Board of Trade*. Plantations General, 34. p. 368.]

Oct. 27.
Whitehall.

943. Council of Trade and Plantations to the Lords Justices of England. We lay before you a draft instruction for the Governors of Colonies in compliance with a report of the Commissioners of Customs, which has been forwarded to us by the Treasury (*see No. 894*). We agree with the Treasury that it may be of good service towards the security of the Plantation Trade, and we therefore beg that it may be sent not only to the Colonies under the King's immediate authority, but also to those which are under distinct Proprieties or Charters, concerning which last we would inform you (as we informed the King on 13 January last) that none of the Propriety or Charter Governments have yet given security for the conduct of their Governors, which we required of them in pursuance of the address of the House of

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Lords, though we conceive that this would not only check illegal trade, but also other irregularities in these Plantations. *Signed*, J. Bridgewater, Ph. Meadows, John Pollexfen, Abr. Hill.

Here follows, copy of the draft instruction referred to, directing that all Naval Officers shall give security for due discharge of their trust to such persons as are appointed by the Commissioners of Customs for that purpose, and that no certificates signed by a Naval Officer for clearing of ships shall be valid without the concurrence of the Collector. [*Board of Trade. Plantations General, 34. pp. 369-372.*]

Oct. 27.
New York.

944. Governor the Earl of Bellomont to William Popple. I send with this a proclamation for a day of fasting and humiliation, thinking this a proper means for removing the heats between different parties here. Last Wednesday was the day, and, to prove the wickedness of the people who would disturb my Government, few of them came to church and of the ringleaders not one. To-day there was another instance of the brutishness of some people here. The master of the ship that carries this promised to call on me on Thursday for the King's packets, but, it seems, intended to leave the letters behind and be gone. See the enclosed certificate and warrant; only I must add that yesterday Mr. Hungerford, the Commissioner of Customs, sent to him to bid him come and receive the King's packet from me, in answer to which he swore that he would not for all the Governors in Christendom, nor be post-boy to carry letters for anybody. This refusal made me send a warrant to bring him by force. The angry merchants had no doubt encouraged him to this insolence, else he durst not have refused to carry the letters after promising to call for and carry them. This is another specimen of their rage and malice, and I am satisfied that only fear keeps them from rebellion. Unlawful trade and pirates' spoil from the Red Sea is what they thirst after. I should like the Council of Trade to know the above particulars. I omitted also to inform the Council in my letter that Mr. Brooke carried over with him a bill prepared last Assembly to reconcile parties here. Though it has a specious name, there is a snake in the grass, which is this. Mr. Nicoll, the most active and inveterate of my enemies here, drew that bill and calculated it for his own advantage, for he has made the indemnity in the bill to extend no further than to Colonel Fletcher's arrival at New York, and all the extravagant decrees, judgments, etc., were obtained during his government. Nicoll himself obtained a judgment for £500 from a very honest Dutchman here upon pretence of his imprisonment during Leisler's government. The truth is that Nicoll opposed the Revolution and this Dutchman seized him by Leisler's order, and for his contumacy Nicoll was put in prison. It is well known that Nicoll was not worth half £500 when that judgment was given; but this is not all. The factious merchants and people in this town to the number of twenty-eight raised £100 by subscription, and sent it home by Brooke to bribe some of the officers about the Court and obtain the King's peremptory order to me to pass that reconciling bill next Assembly. I undertake to prove the truth of this; and I came to know it thus. One of the late suspended Councillors being checked by another Councillor for

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the part he supposed him to have in framing a complaint against me in England, the other denied it strongly, saying that he had never been concerned against me except as one of the twenty-eight persons aforesaid, and telling the story that I have told you. Pray inform the Council of this. The said bill would confirm and finish the ruin of several families and relieve none; so I hope that I shall not be ordered to pass it. *Signed*, Bellomont. $2\frac{1}{2}$ pp. *Endorsed*, Recd. 19th, Read 20th Dec., 1698. *Attached*, an abstract of the foregoing letter. 1 p. *Enclosed*,

944. i. Proclamation of Governor Lord Bellomont for a day of fasting and humiliation, to be held on the 26th of October; the preamble accusing the people of the province of every description of wickedness. *Printed sheet*. 1 p. *Endorsed*, Recd. 19 Dec., 1698.

944. ii. Warrant of Governor Lord Bellomont for the arrest of Thomas Jeffers, master mariner, for taking his ship down to Staten Island without calling for the Governor's packets. 28 October, 1698.

Letter from Mr. Hungerford and Lieutenant Daniel Hunt to Lord Bellomont. We duly went on board Thomas Jeffers's ship with your warrant, but he answered that he cared for no warrant in Christendom, and used other contemptuous expressions. He also said that all the devils under the copes of Heaven should not force him to give a receipt for the Governor's packet. *Copies*. 1 p. *Endorsed as No. 1*. [*Board of Trade*. New York, 8. Nos. 17, 17 i., ii.; and 53. pp. 142-145.]

Oct. 28.
Whitehall.

945. Council of Trade and Plantations to the Lords Justices of England. Submitting the draft of a letter to the Earl of Bellomont for approval. *Signed*, J. Bridgewater, Ph. Meadows, Jno. Pollexfen, Abr. Hill. *Here follows the draft*,

Lords Justices of England to Governor the Earl of Bellomont. We commend your zeal and diligence in enquiring into and reforming the abuses at New York. We confirm the removal of William Pinhorne, Chidley Brooke, and William Nicoll from all their places, except those held by patent under the Great Seal, also the removal of Nicholas Bayard and Frederick Phillips from the Council; and we approve the appointment of Abraham Depeyster, James Graham, Samuel Staats, Robert Livingston, and John Corbille in their stead. You will prosecute all pirates and illegal traders according to law. You will take all legal measures to annul extravagant land-grants, and in future attach to all grants a quit-rent of 2s. 6d. per 100 acres and a condition that the land shall be improved within three years. *Memo*. This letter was dated 10 November, 1698. [*Board of Trade*. New York, 53. pp. 47-51.]

Oct. 28.

946. Minutes of Council of Virginia. Orders for the letters and papers concerning John Coode to be transmitted to England. The report of the Committee respecting a draft Ports Act was read, to the effect that the case would be met by appointing certain places

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for loading and unloading of ships, viz., three on James River and two on each of the other great rivers. Encouragement should be given to people to reside at these places; warehouses should be built in them, and no limitations nor restrictions imposed but such as are absolutely necessary. The Council approved the report. Order for the Rangers to be disbanded. Several claims for payment examined and allowed. Order for survey of the military store-house at Tindall's Point. Several claims relating to H.M.S. Swift were referred to the Auditor. The sentence of death passed on Arthur Jarvis for burglary was, on the Council's advice, commuted to transportation. The Attorney-General presented his report on the fire at the State-house to the effect that, though there were depositions which threw suspicion on the said Jarvis as the incendiary, there was insufficient evidence for a prosecution. William Randolph then gave in the papers in his custody on resigning the Attorneyship-General.

Oct. 29. Bartholemew Fowler was sworn, on appointment to be Attorney-General. [*Board of Trade*. Virginia, 53. pp. 148-153.]

Oct. 29.
Boston.

947. John Usher to Council of Trade and Plantations. Since my last Mr. Allen has arrived in New Hampshire and taken over the Government. I have lately visited all the Colonies from New England to Pennsylvania and have made the following observations. The Jerseys are without a Government, Colonel Basse not being qualified by the confirmation of the King and Council. There are no Courts of Justice held, and the people as to justice are left without a remedy. "Pennsylvania—governed by Quakers who turn their swords into plowshares—arbitrary in their proceedings, account of which doubt not but you may receive from Colonel Quarry, whose report of matters judge may be given credence to." They "govern by the dictates of their own reason, and the law is as they stand affected." Pirates have resorted thither and the Acts of Trade are too often violated. I cannot see how the Quakers can observe the Acts of Trade, all places being free for trade and no fort to prevent violation thereof, hence the King is greatly injured. The preservation of the Jerseys and Pennsylvania is at the expense of New York in securing the Five Nations at Albany. If the Five Nations should go to the French, they [Pennsylvania] "would be but for one breakfast," and the King would lose a fine country because inhabited by Quakers, who are not for using the carnal weapon. I write not to assail the Proprietors' right—God forbid—but to secure the King's Plantations. The trade of those parts is open and free; no duty is paid; and the Proprietors, not the Crown, gain the profit. This is esteemed a hardship on New York. I was told that several ships unload at Amboy and then import their goods into New York Province; hence the King loses the duty granted for the support of the Government. The Dutch often said they were for freeing trade in New York as in other places. In this case the disadvantages to the Crown would exceed the benefits which it reaps from these places. In Connecticut and Rhode Island the Governors are annually chosen. *Quære*, does not the Act, which obliges all Governors put in by Proprietors to be approved by the King

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and Council, reach these chartered Governments? The Proprietors of provinces are in England where they can be called to account for maladministration, whereas the Charter Governments are far remote. New York and New England, being immediately under the King, are at great inconvenience, for they secure the Colonies at vast expense, while the Proprietary and Chartered Provinces sit at ease and bear no charge in proportion. I wish that the King would so adjust matters that the Colonies directly under his government should not bear all the burden of securing the Plantations, while the rest go free, for of late New York and New England are all bondmen; so that it is small comfort to be under the King's Government, when the rest go free. Those under the King's Government should enjoy as much ease as their neighbours. Pardon my impertinence in writing thus. *Signed*, John Usher. $1\frac{1}{2}$ pp. [*Board of Trade*. New England, 9. No. 38; and 37. pp. 59-64.]

Oct. 29.
Boston.

948. John Nelson to William Blathwayt. You are our only remaining hope for a barrier against French pretensions to the fishery. I have laid my thoughts hereon before the Council of Trade, but you are the only person at Court, or perhaps in England, who is sufficiently acquainted with American affairs, and for this reason are doubtless chosen to be one of the Commissioners to settle the boundaries between the French and ourselves in these countries. Our confidence is that no concession will be made depriving us of our right of fishing on the high seas, in which the French mean to obstruct us unless the matter be regulated. Since my arrival I have visited those French parts, where the French Governor showed me his instructions. I find they ground their pretensions on the Treaty of Neutrality of 1686, interpreting the extent of their coast to include all banks in the ocean that front upon them, even though twenty leagues distant, whereas the coast means harbours, bays, rivers, and making use of their shores. It has often been decided among civilians that where no bounds can be fixed (as in the ocean or in the air) no right can be claimed. If we yield to the French pretensions (1) our navigation will be diminished and that of the French augmented; (2) the money and bullion brought into the realm by the fishing-trade will be lost to us and transferred to France; (3) the Colonies here will be ruined. Pray take notice too of the design to encroach upon Kennebec river, so as to gain the Indians wholly to their side and become masters of the mast and timber trade. But whatever their specious pretences, I doubt not that by your advice they will be frustrated, and our ancient rights preserved. Lord Bellomont's difficulties at New York prevent him from representing these matters himself; but your countenance to me in my private importunities has encouraged me to write to you my thoughts. *Signed*, Jno. Nelson. 3 pp. [*Board of Trade*. New England, 9. No. 39; and 37. pp. 95-98.]

[Oct. 31.]

949. Memorandum of the receipt of the Pennsylvania Act for regulating the Plantation trade, with Edward Randolph's marginal notes. Read 31 Oct., 1698. $\frac{1}{4}$ p. [*Board of Trade*. Proprieties, 2. No. 38.]

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Oct. 31. 950. Governor Sir Edmund Andros to Mr. Secretary Vernon.
Virginia. I was much concerned at the dissolution of the Assembly which met on the 28th ult. and whose journals are sent herewith. I thought the Burgesses well disposed, but when they admitted a member not born in England, Ireland or the Plantations, contrary to Act of Parliament, I was obliged to dissolve them, and the season will not admit the calling of another Assembly at present. All is well and quiet, but I have not yet recovered my health. Signed, E. Andros. 1 p. [*American and West Indies*. 638. No. 31.]
- Oct. 31. 951. Governor Sir Edmund Andros to Council of Trade and
Virginia. Plantations. The Council have drawn up a report on the revisal of the laws, and a draft Act that may have a tendency to the Ports Act. The General Assembly met on the 28th of September, but I was obliged to dissolve it, as the Burgesses admitted a member not born in England, Ireland or the Plantations, which was contrary to the Act for regulating the Plantation trade. By advice in Council I have issued a proclamation against the harbouring of pirates or privateers. I have appointed Colonel Dudley Digges to the Council in the room of Christopher Wormeley, deceased, and I beg for his confirmation. He is well qualified, of a plentiful estate and good family, and very acceptable to the other members. The Council have also appointed William Byrd to be Agent in England. He is of a principal family, was late of the Council and is in good esteem with the Burgesses. On the 20th inst. a fire broke out in a house adjoining the State-house, which in a very short time was wholly burnt, and also the prison. But, it being Court-time and many people there, all records and papers were saved, and on being sorted and listed are found undamnified. They will soon be in good order, and they will be kept in a brick house in Jamestown, which has also been appointed for use of the Court until further order. Mr. Bartholemew Fowler has by the Council's advice been appointed Attorney-General in the room of Mr. Randolph, resigned. The minutes, journals and other public papers are sent herewith, but those relating to Mr. John Coode of Maryland are thought by the Council so extraordinary that they have been put together for more ready account thereof. Signed, E. Andros. 2½ pp. Endorsed, Reed. 3 April, Read 17 May, 1699. Enclosed,
951. i. Proclamation of the Governor of Virginia for a day of fasting and humiliation on 15 July. Dated, 8 July. 1 p.
951. ii. Speech of Sir Edmund Andros on opening the Session of the General Assembly on 30 September. Copy. 1½ pp. Endorsed, Reed. 3 April, 1699.
951. iii. Proclamation of the Governor of Virginia against the harbouring and entertaining of pirates. Dated, 7 Oct., 1698. Copy. 2 pp. Endorsed as No. ii.
951. iv. Proclamation of the same for the arrest of John Coode, at the instance of the Governor of Maryland, for blasphemous and atheistical speeches. Dated, 17 Oct., 1698. Copy. 2 pp. Endorsed as No. ii.

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951. v. Order of the Council of Virginia approving the report of some of its members as to a draft Act to appoint Ports. *Dated*, 28 Oct., 1698. *Copy*. 1½ pp. *Endorsed as No. II.*

951. vi. Proclamation of the Governor of Virginia for bringing in the books and papers scattered owing to the burning of the State-house. [*Board of Trade*. Virginia, 6. Nos. 65, 65 i.-vi.; and 37. pp. 311-314.]

[Oct. 31.] 952. Copies of the proceedings relating to John Coode referred to in the preceding letter.

Governor Nicholson, Maryland, to Sir Edmund Andros. Annapolis, 15 December, 1696. Enclosing a collection of papers relating to John Coode, senior, viz., eight depositions as to blasphemous language used by him; warrant for his arrest, dated 3 May, 1696; the Sheriff's return that he was not to be found; the Attorney-General's petition for renewing of process against him; a fresh warrant for his arrest and a similar return from the Sheriff; the presentment against him and the Grand Jury's return of a true bill; further renewal of the process; fresh warrants for Coode's arrest and for recovery of the sums held by him as Collector of Revenue; state of the case against him; Order of the Council of Maryland for the papers to be sent to Sir Edmund Andros; and copy of a Maryland Act against blasphemy.

Copy of a warrant issued by Sir Edmund Andros for arrest of Coode, 3 January, 1697.

Copy of a letter from Governor Nicholson to Sir Edmund Andros of 19 Feb., 1697, asking that the warrant for Coode's arrest may be as widely distributed as possible and every measure taken to prevent his escape.

Copy of a letter from Governor Nicholson to Sir Edmund Andros, 2 July, 1698. Forwarding fresh evidence against Coode, with documents, which seemed to insinuate that Coode was protected by the Government of Virginia, and asking for the immediate arrest of Coode and of his associates.

Copy of a letter from Sir Edmund Andros to Governor Nicholson. 13 July, 1698. If John Coode be in Virginia, why do not your people use my warrant to apprehend him? As to his associates, I have nothing before me to shew that they are fugitives from justice, and the warrant for arresting them appears to apply only to St. Marie's County. My Council are of my opinion.

Copy of a letter from Governor Nicholson to Sir Edmund Andros, 6 Sept., 1698. Pressing again very earnestly for the arrest of Coode, and enclosing an indictment against him for sedition, and addresses from the justices and jurors of the Provincial Court of Maryland respecting Coode and his proceedings.

Copy of an Order of Council of Virginia of 7 October, 1698, resolving that the Governor having issued a warrant for Coode's arrest, there is nothing more to be done except to send home the documents relating to the case.

Copy of a letter from Governor Nicholson to Sir Edmund Andros, 3 October, 1698; sending a duplicate of his last letter, as he has received no reply to it, and a fresh proclamation against Coode.

1698.

Copy of a resolution of Council of Virginia, of 15 October, 1698, to the effect that no further steps are necessary except to issue a fresh proclamation for arrest of Coode if in Virginia. Copy of the proclamation. [*Board of Trade*. Virginia, 52. pp. 514-550.]

[Oct. 31.] **953.** Memorandum as to the receipt of the documents mentioned in the preceding abstract. 1 p. [*Board of Trade*. Virginia, 6. No. 66.]

Oct. 31. **954.** Governor Sir Edmund Andros to William Popple. I have not yet recovered my health. You will see from my letter to the Council all that I have to report. There is no discontent and all is well and easy. I hope soon to wait on you, as the King has granted my return home. Signed, E. Andros. $\frac{1}{2}$ p. Endorsed, Recd. 3 April, 1699. [*Board of Trade*. Virginia, 6. No. 67.]

Oct. 31. **955.** Minutes of Council of Bermuda. The Assembly met, when Francis Jones was nominated Speaker.

Nov. 1. The Assembly presented their Speaker, who was approved, and, the members having been sworn, the Governor made his speech, putting forward the proposals enjoined upon him by his instructions, and making the following proposals: (1) to pass an Act for the effectual repairing of highways; (2) to restrain the number of horses by imposing a rate on those that keep them; (3) to prevent the stealing and destroying of oranges; (4) to provide compensation for owners of slaves who are executed; (5) to prevent the clipping and defacing of coin; (6) to revive the tax on liquors and sugar. Address of the Assembly in reply. We think an export duty of a penny *per lb.* on tobacco against the interest of the Colony and of the Crown; the settlement of quit-rents is contrary to the nature of the titles of our lands; a public levy is repugnant to the interest of the Island. We think an import duty on liquors to be far preferable. The Act about shipping provides for security to be given for payment of the King's customs. The prison and fortifications shall be repaired. We have no imported white servants, so there is no occasion for an Act to prevent inhumanity to them. We have long endeavoured the conversion of negroes to Christianity, but find that the greater their instruction in religion, the greater their insolence, obstinacy and incorrigibleness. There is no need to raise stocks to employ the poor, there being more employment for them than they can perform. We shall offer you a bill for restraining pirates and other bills. *Here follows*, an address of welcome from the Assembly to Governor Day. [*Board of Trade*. Bermuda, 39. pp. 4-8.]

Oct. 31. **956.** Journals of House of Delegates of Maryland. William Coursey's private bill, a bill to secure Administrators and a bill to repeal the imposition on offices, read a first time. A question as to executions for officers' fees referred to the Committee of Laws. The Speaker reported that last session's Journal of Grievances was in the Governor's hands. Committee of Laws appointed. Message from the Council approving of the Delegates' proceedings. Report on the papers sent down by the Governor presented. Bill ordered for the restraint of pirates. References from the Committee of Accounts considered.

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Nov. 1.

Bill as to Administrators and Coursey's bill read a second time. References from the Committee of Accounts considered. Report of the Committee on the papers presented by the Governor. On the Council of Trade's letter of 2 September, 1697; (1) the first part refers to a former letter; (2) we do not think it worth while to look after the debt due to the public from Colonel Copley's estate; (3) we request the Governor to answer the questions as to arms; (4) the Committee of Accounts will answer as to public money; (5) we hope that the conclusion of peace puts an end to a need for the quota for New York; (6) we desire to have no further concern yet about the boundaries of Pennsylvania; (7) new copies of the laws have been written; (8) the Governor has given orders as to freemen, servants, etc.; (9) a bill is ordered for the restraint of pirates; (10) we cannot explain the non-agreement of the Sheriffs' returns with the Governor's orders as to the Acts of Trade, not knowing what those orders were; (11) our address for the remission of forfeited bonds has been forwarded and seconded by the Governor; (12) we beg the Governor to acquaint Lord Baltimore's Agents with the evils of engrossment of large tracts of land; (13) we are not conscious of needing a general Act of Pardon; (14) the matter of the two condemned women does not concern this House; (15) Mr. William Dent's petition to be Solicitor-General concerns the Governor only; (16) as to Addresses and Associations we need make no more remark; (17) we conceive that the instructions as to margins for public documents may be advisable. The question of keeping an Agent in England was negatived. Order for a bill for purchase of lands for the Cool Springs. The Governor requested to appoint members of Council to join some of the Delegates in considering the matter of the church-roof. A bill ordered for an allowance to the Sheriffs for taking charge of letters and packets, also a bill to empower vestries to raise money for repair of churches. 1,600 *lbs.* of tobacco voted as the allowance to the Serjeant attendant. Message from the Governor, making proposals as to examination of the revenue for arms, and the distribution of arms and ammunition. The Delegates agreed as to the distribution of the arms in several counties. Sundry accounts considered.

Nov. 2.

The Committee of Laws was ordered to prepare a bill for allowances to Sheriffs. Bills to restrain pirates, and to empower vestries to raise money, read a first time. Message from the Council for a joint Committee to examine the laws agreed to. Recommendations of the Council as to the charges and oaths of juries referred to next Session. A proposal as to new modelling the Militia law rejected. The Governor made a present to the country of the Serjeant's staff, with directions as to its use. On a proposal as to Indians, the House thought that surveyors should be sent to run out the land of the Choptank Indians. The letter of the Governor of Virginia and his proclamation for arrest of Coode was held to need no answer. Sundry petitions considered. The House refused leave to Colonel Thompson to go and fetch his Naval Officer's accounts. Sundry orders given on minor affairs.

1698.
Nov. 3. Certain petitions considered. The Vestries Bill was read a second time, and a bill to repeal an Act for Supply read a first time. Joint Committee requested by the Delegates in the matter of the Nanticoke Indians. £20 granted to Joseph Man. Sundry small orders made.
- Nov. 4. Journal of Committee of Accounts read. Report of Committee of Grievances read. Recommended that with the Governor's leave the Journals of the Delegates may be transcribed during Session and sealed up, so that there may be no suspicion of their being altered; that the Governor abstain from any sort of overawing the House; that no members may be questioned for free-speaking in the House within the bounds of their duty to the King, nor be troubled on any reports but from the House; that Justices be not troubled upon obsolete laws, but that their duties be made easy; that the Governor abstain from calling on the clerks to discover, on oath, all that is done in Committee; that members be not hindered from going home nor be ill-represented to the people; and that jurymen be not examined as to their verdicts nor bound over to appear at next court and to be of good behaviour. Resolved to embody the said report in an address. Robert Mason presented his accounts, who reported that the Governor had ordered him to cease to execute his office, and had forbidden Naval Officers to account with him. Resolved to address the Governor on the subject. Resolved that the practice of keeping a boat on the Eastern shore, for the passage of Delegates to and from the Assembly, be continued as heretofore at the public expense.
- Nov. 5. Bill to repeal a Supply Act and the Vestries Bill read a second time. Bills for purchase of land at Cool Springs, for an allowance to Sheriffs for packets, to secure Delegates and Justices from serving on juries, for repealing an Act as to Sheriffs' duties, as to recovery of dues by public officers, and for ascertaining the boundaries of lands, read a first time. Robert Mason's accounts sworn. Members appointed to apportion the public levy. [*Board of Trade*. Maryland, 15. pp. 315-334.]
- Oct. 31. **957.** Minutes of Council of Maryland in Assembly. Answer of the Delegates as to Indians and liberty of conscience. Message to the Delegates as to accounts of the arms-fund and distribution of arms, and the Delegates' answer of concurrence.
- Nov. 1. Several proposals to the Delegates as to examining the laws, juries' charges and forms of oaths, the Militia, the Nanticoke Indians, and other matters.
- Nov. 2. Bill as to administrations read a first time and amended. Coursey's private bill read a first time. A law proposed to be made to make real estate liable to debts. Proposed also that sales of land to be licensed by the Assembly be published three months beforehand. Referred to the Delegates, a petition, a question as to qualifications of parish-clerks, and a proposal for a law for correspondence with Virginia as to runaway debtors and criminals. The report of the Delegates on the Council of Trade's letter of 2 September, 1697 (*see preceding abstract*).
- Nov. 3. Joseph Man's petition referred to the Committee of Accounts. Resolved that the Assembly be prorogued in order to their better

1698. temper. Answers of the Delegates to several of the Council's proposals.
- Nov. 4. Bill as to marriage licences read a first time. Several petitions referred to the Delegates. Observations on the Delegates' answers to the Council of Trade's letter of 2 September, 1697 (*see preceding abstract*, Nov. 1.) (1) The letter referred to never reached me. (2) The account of stores is sent home. (3) The Attorney-General has been ordered to look into Governor Copley's estate. (6) Directions as to boundaries of the province have been sent, but have miscarried. (7) It is not for you to give an opinion as to the Royal Instructions. You have omitted to answer the question as to temporary laws. (10) The Sheriffs were ordered to make their returns separately, instead of which they mixed them up. (11) I desire no thanks for having done my duty to the King, which was to give an opinion on the address which I sent home. (12) The House should give some order to Lord Baltimore's Agents as to the engrossment of land. (13) You are the first people that have ever refused the royal grace.
- Nov. 5. Robert Mason swore to his accounts. [*Board of Trade*. Maryland, 14. pp. 363-376.]
- Oct. 31. **958.** Journal of Council of Trade and Plantations. A report received this morning from Lord Bellomont was read, also two letters from him of 14 and 21 September with several papers. Captain Norris's letter of 27 September last read. Acts of Massachusetts further considered.
- Nov. 1. Memorial from Sir Thomas Laurence read (*No.* 961) and considered not to need further consideration for the present. Mr. Randolph's letter of 25 August read. Order for instructions to be written to Lord Bellomont to be watchful of vessels returning from Curaçoa. Mr. Randolph's letter to the Secretary of 12 September read. Order for Mr. Brenton to attend to-morrow, on the subject of the Acts of Massachusetts. Order in Council of 25 October concerning George Lillington received and read.
- Nov. 2. Mr. Brenton attending answered several questions, after which it was ordered that certain New England traders should be asked to attend to-morrow. The Journals of Massachusetts Bay were then perused.
- Nov. 3. Several New England merchants attending protested against an Act of Massachusetts, submitted to them by the Board, requiring persons not inhabitants of that Colony to give security before process granted. Sir Henry Ashurst, soliciting the despatch of the Acts, was acquainted with the difficulties that had arisen. Being asked whether any of the money belonging to the Corporation for evangelising the Indians could not be applied to the conversion of the Indians of New York, he replied that it was appropriated to New England and could not be used elsewhere. Perusal of the Journals of Massachusetts continued. [*Board of Trade*. Journal, 11. pp. 267-277.]

1698.
Nov. 1. **959.** Edward Jenings to Council of Trade and Plantations. Forwarding the journals of Assembly and other papers. *Signed*, E. Jenings. $\frac{1}{4}$ p. *Endorsed*, Recd. 3 April, 1699.
The same to William Popple. To the same effect. [*Board of Trade*. Virginia, 6. Nos. 68, 69.]
- Nov. 1. **960.** Minutes of Council of Nevis. Resolved that Captain Gardner of H.M.S. Queenborough be sent to St. Christophers to bring back Thomas Lilley, a privateer, who is accused of attacking French subjects since the conclusion of peace. [*Board of Trade*. Leeward Islands, 64. p. 478.]
- Nov. 1. **961.** Memorial of Sir Thomas Laurence, presented by order of Governor Nicholson to the Council of Trade and Plantations. It is requested (1) that the Acts of Maryland of 1696 concerning the establishment of the Protestant religion, the maintenance of Ministers and the providing of schools, may be submitted to the King for allowance, or to the Attorney-General for such alteration as is judged necessary; (2) that the address for pardon to the many persons concerned as securities for forfeited bonds may also be recommended to the King; (3) that the Assembly's proposal for ascertaining the value of foreign coin may also be examined and promoted as you think best, and that orders may be given for marking out the boundary between Maryland and Pennsylvania; (4) that in view of Governor Nicholson's former reports as to the intended settlements of the French on the Mississippi, orders may be given to all the Governors in America to encourage a trade with the Indians bordering westward and who inhabit about the lakes. It is not suggested that the King be put to any charge herein, but that he give orders to open a free trade with those Indians under such instructions only as he shall give to the company or companies of undertakers who will venture it, he making the trade free and easy by his charters. *Signed*, Thomas Laurence. $2\frac{1}{2}$ pp. *Endorsed*, Recd. Read 1 Nov., 1698. [*Board of Trade*. Maryland, 3. No. 64; and 9. pp. 313-316.]
- Nov. 1. **962.** Minutes of Council of Maryland. Order as to the fees to be paid to the Attorney-General for reports made from the Council. Ordered that the fines levied on Slye, Clarke and Mason be given to the persons employed in bringing them to justice.
- Nov. 3. Order for payment of Mr. George Muschamp's salary, since the fines and forfeitures of his district do not amount to the sum of it. [*Board of Trade*. Maryland, 13. pp. 657-658.]
- Nov. 1. **963.** Minutes of Council of Barbados. Order for payment of £80 for subsistence of the Governor's servants. The Commission of the peace was regulated at the Governor's request, he being a stranger to the gentlemen of the island. [*Board of Trade*. Barbados, 65. p. 378.]
- Nov. 1. **964.** Journal of Assembly of Barbados. Committee of Grievances appointed. A new Excise Bill read and committed.

1698. A petition for rebate of duty granted. The Council's orders of 5 October, as to bills sent up from the Assembly, were received.
- Nov. 2. No quorum. Adjourned to 15th. [*Board of Trade*. Barbados, 65. pp. 319-321.]
- Nov. 3. **965.** Clerk of the Burgesses of Virginia to Council of Trade and Plantations. Forwarding the Journals of the Burgesses for the session begun 28 September last. *Signed*, Peter Beverley, $\frac{1}{4}$ p. *Endorsed*, Reed. 3 April, 1699. [*Board of Trade*. Virginia, 6. No. 70.]
- Nov. 3. **966.** Order of the Lords Justices of England in Council. Whitehall. That Colonel Romer stay in New York till Christmas 1699, and that his pay be reduced to thirty shillings a day, in accordance with the representation of the Council of Trade, and that Lord Romney give orders accordingly. *Certified copy*. 1 p. *Endorsed*, Reed. Read 14 Nov., 1698. [*Board of Trade*. New York, 8. No. 18; and 53. p. 90.]
- Nov. 3. **967.** Order of the Lords Justices of England in Council. Whitehall. Approving a draft letter to Lord Bellomont and directing it to be prepared for signature. *Certified copy*. $\frac{1}{2}$ p. *Endorsed*, Reed. Read 14 Nov., 1698. [*Board of Trade*. New York, 8. No. 19; and 53. p. 91.]
- Nov. 3. **968.** Order of the Lords Justices of England in Council. Whitehall. Approving a representation of the Council of Trade respecting Sir Thomas Laurence, and ordering that, in the disposal of the money referred to by him, his claim shall be favourably regarded (*see* No. 863). *Copy*. $\frac{1}{2}$ p. *Endorsed*, Reed. Read 14 Nov., 1698. [*Board of Trade*. Maryland, 3. No. 65; and 9. p. 317.]
- Nov. 3. **969.** Order of the Lords Justices of England in Council. Whitehall. That the representation of the Council of Trade as to Acts of Denizenation and Naturalisation in the Colonies be referred to the Attorney and Solicitor-General for report. *Copy*. $\frac{1}{2}$ p. *Endorsed*, Reed. Read 13 April, 1699. [*Board of Trade*. Maryland, 3. No. 66; and 9. p. 370.]
- Nov. 3. **970.** Order of the Lords Justices of England in Council. Whitehall. That the further proceedings against Edward Walrond upon forfeiture of his recognisance be stopped, and that the £500 levied upon him on that account be repaid him; and that the President and Council of Nevis or Commander-in-Chief for the time being be instructed accordingly. *Copy*. 1 p. Reed. Read 23 Dec., 1698. [*Board of Trade*. Leeward Islands, 5. No. 123; and 45. pp. 304-306.]
- Nov. 3. **971.** Order of the Lords Justices of England in Council. Whitehall. Approving the draft instruction as to Naval Officers and Collectors in the Colonies, submitted by the Council of Trade in their representation of 27 October, and directing it to be prepared for signature and for transmission to the various Colonies. *Copy*. $\frac{1}{2}$ p. *Endorsed*, Reed. Read 14 Nov., 1698. [*Board of Trade*. Plantations General, 4. No. 145; and 34. pp. 379-380.]

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Nov. 3-4.

972. Minutes of Council and Assembly of Antigua. This meeting had been adjourned from 20 October, when there was no full Council. The Council assented to a Registry Act, an Act for importation of white servants and an Act against pirates, sent up by the Assembly. The Council concurred with the Assembly in appointing a joint committee to prepare Acts to amend the Act for Courts and the Act of Extent, but deferred a proposal to make the island a free port, for further consideration. [*Board of Trade*. Leeward Islands, 64. pp. 283-286.]

Nov. 4.

973. Minutes of Council of Bermuda. Several addresses were received from particular persons about the school-lands. Some members of Assembly offered a list of several Acts formerly made, for amendment, alteration or continuance. Order for the Assembly first to peruse these Acts and return them with their opinion thereon. [*Board of Trade*. Bermuda, 39. p. 9.]

Nov. 4.

Boston.

974. John Nelson to Council of Trade and Plantations. I hope that Commissioners for France and England have been appointed under the 8th clause of the Peace of Ryswick, that those Colonies may be protected from the violences not only menaced but executed by the French under cover of the Treaty of Neutrality of 1686, whereby the fishing of French and English on each other's coasts seems to be debarred. The French are trying to extend their pretensions here as they did in Flanders, where their claims to dependencies exceeded the concessions made to them. Here, under title of "the coasts," they endeavour to debar us from fishing on the high seas, whereas civilians limit the coasts to rivers, harbours, bays and shores, leaving the high seas free to all. Their design is obviously to increase their ships, seamen, trade and riches at our expense. I believe it will be found that this fishery trade brings more bullion, money and riches to us than any other commerce; so I doubt not that you will resist the French pretensions and vindicate our rights. I think that the matter can admit of little dispute, for the French themselves daily and necessarily take most of their fish on our coasts, so that the distance observed there by them may very well serve for a rule for their coasts of Nova Scotia. I presume to second the representation of the Lieutenant-Governor and Council on this matter, for after a visit to those French countries I am convinced that unless we act vigorously these Colonies will be ruined. You will now be satisfied that the matters urged in my former memorials were not conjectural, and I hope that they may have weight enough to induce you to move strenuously on our behalf. *Signed*, Jno. Nelson. *Holograph*. 3 pp. *Endorsed*, Recd. 2, Read 4 Jan., 1698-9. [*Board of Trade*. New England, 9. No. 40; and 37. pp. 91-94.]

Nov. 7.

975. Journal of House of Burgesses of Maryland. On the petition of the Clerk of Council, part of his salary was granted and part refused. Bills for allowance to Sheriffs for packets, for repealing the Acts as to Sheriffs' duties, to secure Delegates and Justices from serving on juries, and to suppress cursing and swearing, read a second time. Bill ascertaining the bounds of the Nanticoke Indians read a first time. Address to the Governors on behalf of

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Robert Mason read. Petition of William Sharp for exemption from duty on servants carried to Pennsylvania, read; and resolved that the said servants are not subject to duty. The Council concur herein. Address to the Governor embodying the report of the Committee of Grievances of the 4th inst. The Governor thereupon summoned the Speaker and the Delegates and ordered the Address to be read. He then asked them to choose certain members of Council to seal up the journals every night, and took notice of certain irregularities in the proceedings. He then said that he was sorry that the House had refused the Act of Pardon, as he should now be obliged to put all the Navigation bonds in execution; and therewith the journals were sealed up. The Clerk then proceeded with the reading of the Address, after which the Governor remarked (1) that the Address ought to have been signed by the Speaker; (2) that Delegates should not think themselves above the law; (3) that if Justices will not return their accounts according to law they must be punished; (4) that Clerks of Committees ought not to be sworn to secrecy, since the House of Commons prints its journals daily; (5) that the laws of England are very severe against attainted juries; (6) that he had answered them at once to shew that he needed no time to prove his innocence. And therewith he dismissed them.

Nov. 8.

Petitions for payments read and referred to the Committee of Allowances. Summons from the Governor for the House to attend him, after which the Clerk of Council brought in the journal sealed up last night before the Governor and Council. The Governor then ordered the Clerk to read the Address of the House on behalf of Robert Mason, after which he explained that his reason for suspending Mason from his office of Treasurer was that he had been found guilty by a jury of a notorious crime and that he had himself confessed his guilt. He then said that he had sent orders to Mason to bring in his accounts, who had refused to do so for a considerable time, that when they were produced it was found that he had overcharged the country £50, that no money had been demanded of him nor appropriated to any use otherwise than had been directed by the Assembly, but that nevertheless the sum had not been paid to this day. He, the Governor, had to his sorrow known by experience what it was to find a country without any fund to support it, and he would, according to his promise, consent to appropriate half of the country's stock now in bank to the current expenses of the year. The address on behalf of Mr. Clarke had been answered by the Council. The House was at liberty to appoint a Committee to write as many journals as it pleased and to send them home, provided that they signed them. He looked upon the records of the supreme authority as most sacred next to the divine law, and he recommended the House to pass a severe law against any who should alter or erase them. All rebellions were begun by scandalising and rendering odious the persons in authority; and he was surprised that the Colony should reject the King's pardon, which the Lords and Commons of England had gratefully accepted. He then recommended them to proceed with the country's business and dismissed them. On the return of the Delegates to their house the following message was received from the Council. Your message of the

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29th ult. has been maturely weighed, and we wish that you had considered it as well before you sent it. You say that you were prorogued upon your application for Philip Clarke's release, but the true reason is a secret. You say, too, that the Governor prorogued you, but your Journal shows that you contemned the Governor's authority and that your Speaker also prorogued you. You say that you think it your duty to insist on Clarke's release. You know that he has been convicted before juries of a breach of the law, and sentenced to six months' imprisonment, and I know no way of relieving him of this punishment but by the Royal mercy or by reversal of the judgment. We do not believe it to be your privilege to release him, and we believe that no House of Commons ever attempted such a thing. But at any rate your pretended familiarity and equality with the House of Commons is enough to provoke us at once. The Government of this province is derived from the King, by whose laws we are bound and to whose authority we owe obedience, and although we are the Council we do not pretend to an equality with the House of Lords. We do not desire to abridge your privileges, but your demands must be tempered with justice and modesty. *Message ends.* Resolved to address the Governor disclaiming any favour to Slye or Coode, and asking him to name the sum that he will allow from the stock in bank towards the public expenses. Bill respecting administrations passed as amended by the Council. The Council's amendments to Coursey's bill rejected. Message from the Council proposing a bill to make real estate liable to debts in failure of personal estate. Resolved to refer the proposal to next Session. Bills as to marriage licences and as to the free school read a first time. Bill to define the bounds of the Nanticoke Indians read a first time, and referred for first consideration next Session. Bill for conveyance of lands referred to a Committee. Bill as to the Cool Springs referred to next Session. The Council's amendments to the Pirates bill rejected.

Nov. 9.

Message from the Council. In answer to your Address of 5 November as to your grievances—It is true that the King has ordered the Journals of the Delegates to be sent to him, but this charge is committed to the Governor and not to you. If you know of any Clerk who has injured you herein, let us know plainly and we will impeach and punish him. You ask next that the Governor will not overawe the debates of the House nor summon members before the Council. Why do you not speak plain, and say when and where and how and wherein the Governor has so dealt with any member? Freedom of debate extends not to arraignment of the prerogative; and you cannot expect but that the Governor will deter men from such practices in order to prevent their punishment. As to Justices, they, like all others, are under the King's protection. True, several have been lately suspended for levying tobacco on the people contrary to law, of whom some were found innocent and some manifestly guilty. Are you aggrieved that these were questioned for their misfeasance and that the country was reimbursed the tobacco wrongfully taken from them, or are none to be questioned but those who are beforehand proved guilty? We are sorry to see so arbitrary a temper in you. We see the drift of your

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desire that your Clerks should not be examined on oath. Why all this trouble to hide your words and deeds? Will they not endure the light? If you proceed honestly, what matter who knows it? But if you wish to conceal your proceedings, it is enough to bring them into suspicion. Your complaint as to jurors is of the same kind with that as to justices. You wish both to be able to do as they please without being subject to answer for errors or misfeasance; and your grievance is that the Government will not suffer this. This is to take the Government out of the King's hands and place it in theirs. Maugre all opposition and pretended grievances, we shall do our duty. How you can plead for the jurors, now bound, to be discharged when you do not know whether they are guilty or not, we cannot imagine. We have given your paper more notice than it deserves, for the sake of the many honest gentlemen among you. Your alleged grievances are only pretences; it is the King's Government that you are aggrieved at. There are plenty of real grievances awaiting your care, and we recommend you to attend to them. *Signed by six members of Council, not by the Governor.* Resolved to receive no new message or matter, but to complete the business before the House and lay the public levy. Journal of the Accounts sent up to Council. The Attorney-General's petition for an allowance for his attendance on the Council rejected. The making of peace with certain Indians considered. Seven bills amended and sent up to Council. Bill against cursing read, as amended, and the amendments rejected. Five more bills considered, and amendments suggested to that concerning the Free School.

Nov. 10.

The Journal of Accounts and six bills sent down, approved by the Council. That concerning the dues of public officers was committed for amendment, that relating to marriage licences postponed till Dr. Bray's arrival, and the remainder read a third time and passed. Members appointed to join a Committee of Council to choose timber for the church-roof. Message from the Council proposing that the Act for an imposition on officers be not repealed but allowed to expire. A private bill and the Attorney-General's petition, being rejected, were sent up to Council. The old laws, newly transcribed and margented, were brought in for the inspection of the House. Message from the Governor and Council. The levy bill is reported to us as too intricate to be passed this Session. The Governor will apply £800 of the money in bank to raising the public levy. Members are appointed to join with the appointed Delegates in a Committee to consider the matter. *Message ends.* Resolved hereupon to view the tobacco in bank. Message to the Governor, assenting to the price placed on it by the Council, and appointing members for the Joint Committee. Lord Baltimore's Agent summoned to attend upon the Free School bill, and state how Lord Baltimore's rights are affected thereby. Report of the Committee on the church-roof received and approved. Message to the Council, expressing willingness to pass the Free School bill with the omission of one clause which may affect Lord Baltimore's rights. Bill for regulating marriages thrown out. Message to the Council, asking if they will receive their allowance as Councillors in money or tobacco.

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Nov. 11.

Two absent members fined 500*lbs.* of tobacco for not attending. Bill as to public officers' dues passed. Message to the Governor asking that certain tobacco in the hands of the Treasurers of the Eastern and Western shore may be applied to the public charges. Answer of the Council, assenting. The bill relating to servants and slaves amended so as to make it perpetual. Message from the Council, proposing to appropriate £100 of the money in bank to building small tenements at the Cool Springs for benefit of the poor, and £100 out of accruing revenue to the purchase of books for education. The House assented. Message from the Council, that they are willing to accept money and tobacco in equal proportion for their salaries. Orders for certain small payments. Message from the Council proposing a conference on the bills for regulating marriages and for the Free School. Conferrers appointed. Message from the Governor, asking for an allowance to be made to three Justices and to the Attorney-General for their attendance on the Council. Resolved to enter upon no new business, but to refer the matter to next Session. Three bills read a first and second time.

Nov. 12.

An absent member fined 1,000*lbs.* of tobacco. Order for a Committee to draw up an Address in answer to the Governor's and Council's reflections on the Delegates. Report of the Conferrers on the Free School bill read, and the matter deferred to next Session. Resolved to allow the £60, lent to the King for payment of three ministers in 1697, to the Governor for a Council Chamber. Message from the Governor, that he had not mentioned that the country was spared the expense of a Council Chamber, in order to be paid for it. Resolved to move the Governor to adjourn the Provincial Court. A sum added to the public levy to make round figures. A sub-sheriff taken into custody for serving *subpœnas* on members. Message from the Governor, that a rumour is abroad that the Speaker's letter to the Bishop of London has been altered, and asking that inquiry may be made as to the same and the divulgers of the report punished if it prove false. Bill for a public levy read twice and sent up to Council. Message to the Governor. It is so long since the letter to the Bishop of London was written, that it is impossible to accuse any person, wherefore we beg to be excused. Message to the Council, reporting that the Marriage bill had been thrown out and the Free School bill referred to next Session. Public Levy bill read a third time. Address to the Governor, resenting very respectfully his reflections on their loyalty and their good Protestantism, desiring that their debates concerning their privileges may be imputed rather to misunderstanding than to other causes, and taking note that he has been transferred to Virginia. Answer of the Governor, welcoming the repentance and change of tone. Sundry messages exchanged about minor matters. Message from the Governor, answering the Address concerning his transfer to Virginia with the assurance that he will still always do his best for the province, and with an exhortation to live as good Christians and loyal subjects. Message to the Governor asking him to put an end to the Session. The House attended the Governor at his summons, and presented ten bills, which were passed. The Governor then said that he was

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sorry that the Delegates had so prolonged the Session by their heats and animosities, which he hoped were now all buried. He would therefore draw no distinction between any of them, as he hoped all that had happened was through inadvertency. He then announced his transfer to Virginia, and that Mr. Blakiston was shortly coming to succeed him. He added that he had received an Address, which he caused to be read, asking for mercy to Philip Clarke for the sake of his wife and children, and caused Philip Clarke to be brought out by the Sheriff, when after disclaiming any animosity in causing him to be prosecuted, he told him that he could produce his reasons for reversal of judgment before the Provincial Court now sitting, if he would; but that if he could not he would release him on his giving bond for good behaviour. Address of the Council, Justices of the Provincial Court and thirty-four of the Delegates to the Governor for his good government. The Governor thanked them and prorogued the Assembly to the 28th of June. [*Board of Trade. Maryland, 15. pp. 315-376.*]

- Nov. 7. **976.** Minutes of Council of Maryland in Assembly. Mr. Smithson summoned to swear to his accounts, which he could not do to more than three, for want of accounts from other officers. The Governor granted the money arising from marriage licences (if the Marriages bill pass) to Dr. Bray for his good service in collecting libraries. Addresses from the Delegates setting forth their grievances, and on behalf of Robert Mason. The Governor summoned the House, when the first part of their address on grievances was read to them, and the Governor observed that they were many of them abettors of that rogue Slye. The Clerk of the Delegates then admitted that several alterations and obliterations had been made in the Journal of 29 October. He then asked what were their boasted authorities for Clarke's release, disapproved so small a number as sixteen as a quorum for the House, threatened to put the Navigation bonds in execution since they had refused the royal pardon, threatened to treat the Address as a seditious libel if it were not signed by the Speaker, and after dealing with the rest of their alleged grievances dismissed them. Four bills read a first time.
- Nov. 8. The Delegates were summoned, and the Governor made them a speech, after which messages from the Governor and from the Council were sent down to them (*see preceding abstract under date*).
- Nov. 9. Four bills read a second time and returned, one of them with amendments. The Attorney-General's petition for an allowance recommended to the Delegates.
- Nov. 10. Sundry messages exchanged (*see preceding abstract*).
- Nov. 11. Several messages exchanged (*see preceding abstract*). Three bills received.
- Nov. 12. Three temporary bills received from the Delegates and referred to the law-officers, who reported on them, and further gave their opinion that the Assembly is not dissolved by a change of Governors. Letters from the Council of Trade sent down to the Delegates. Public Levy bill received and passed. Sundry messages exchanged.

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Addresses to the Governor and his answers (*see preceding abstract, under date*). The Governor gave the Attorney-General a present, since the Delegates had refused to grant him an allowance. Assembly prorogued to 28 June. [*Board of Trade. Maryland, 14. pp. 376-413.*]

Nov. 7.

977. Minutes of Council of New York. Order for inspection of the barracks and bedding of the soldiers at Albany, and that the French prisoners at Albany receive liberty to return to Esopus or go to Canada, but be no more victualled by the Government. The Lieutenant-Governor's accounts of his expedition to Albany referred for audit. Order for speedy trial of the Swift and Concord, two vessels seized under suspicion. On the petition of the inhabitants of Orange County, it was ordered that a sheriff be appointed for them and that they shall elect a representative in the Assembly. Orders for sundry payments. Order for Robert Livingston to provide bedding for Lieutenant Matthew Shanke, if that formerly belonging to him be not found. [*Board of Trade. New York, 72. pp. 158-160.*]

Nov. 7.
New York.

978. Governor the Earl of Bellomont to Council of Trade and Plantations. This is to give you an account of the revenue. I begin with the yearly accounts from Michaelmas 1692, which was the time when Colonel Fletcher entered on the Government. *See enclosure No. i.* You will see that the greatest produce of any year was £3,934, and to show that Colonel Fletcher and Mr. Brooke were corrupt and neglected their duty I will undertake to double that sum under the present commissioners or any honest men appointed by the Treasury. I also send the amount of the revenue in every Michaelmas quarter of Colonel Fletcher's government (*No. ii.*), and of those this last Michaelmas quarter (*No. iii.*). No doubt Mr. Brooke will object that there was a war while he was Collector, and that consequently comparison of former quarters with this last past is unfair, but I will confute him by two arguments. After examining the book of entries for three years backward in Brooke's time, I find that fewer ships were entered and cleared in this last quarter than in the corresponding quarters of 1695, 1696 and 1697 (*see enclosure No. iv.*). Yet this last quarter has produced two-fifths more revenue than the average produce of the corresponding quarter in all six years of Colonel Fletcher's government. Another argument is the comparative price of commodities during the war and during the last eight or nine months. When I went to Albany in July last I was forced to pay 50 *per cent.* dearer for all presents to the Indians than had been paid all through the war, and at present the scarcity of clothing is so great that people are afraid they will lose their negroes from inability to clothe them against the winter. Next I come to the excise, wherein the enclosed comparison (*No. v.*) of the revenue from that source in 1687 and 1697 will show the corruption of Mr. Brooke. The whole produce of the excise in 1687 exceeded that in 1697 by £112, though it is reckoned that there are four times as many people and ten times as many public houses now as there were eleven years ago. My information comes from persons very knowing in the revenue,

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Colonel van Cortlandt and Mr. Graham, who were Collectors in 1687. It is believed that the excise of this province, if properly managed, would yield £2,000. It is plain that Brooke failed in his duty, for he has farmed the excise of Westchester County to Colonel Heathcote for £7 this year, though it yielded £20 eleven years ago. It is said that he and Heathcote were very friendly, but I cannot believe that his friendship outweighed the love of his own interest, so I conclude that "he went snips in the advantage of so cheap a bargain." He has also let the excise of all Long Island for this year for £72 to Samuel Burt and Company, the Company being Ebenezer Willson, the Sheriff whom I displaced, and with whom Brooke used to board. I am told that Burt and Willson clear £500 a year by their bargain. In Ulster County, Brooke commissioned one De Meyer, a man of ill-character, to collect the excise five years ago, and De Meyer has never accounted for it, so that the arrears of five years are now due from him. To enable you to calculate the excise I send an account of the number of the inhabitants (*No. vi.*), to compare with which Mr. Blathwayt can no doubt supply you with a like account for 1687, of which no record has been kept here. You will then see the difference in population during the last eleven years. The Justices have not been exact in obeying my orders, for in some cases they have omitted the number of children and slaves. The return for the County of Albany will show you the mischief done by the war (*see No. vii.*). Again, Colonel Fletcher and Brooke took no pains to collect quit-rents, so that from £1,300 to £1,400 of arrears are due; but it would be difficult to ascertain them, for they have been many years (though how many I cannot find) unsolicited. Colonel van Cortlandt and Mr. Graham guess the quit-rents at between £200 and £300 a year, and they certainly ought to be £3,000, at the rate of 2s. 6d. for every 100 acres. Please take measures that the Crown may not be cozened by Colonel Fletcher or any former Governor. A further instance of his and Brooke's corruption is this. About mid-summer 1693, a great Dutch fly-boat, called the King David, of 350 tons, came in here from Amsterdam by way of Curaçoa and Surinam, and upon pretence of victualling and taking wood and water stayed here until the middle of November following. She had store of linen-cloth loose in the hold, of which several parcels were sold in the town. The Governor connived at the purchase by the master of such a quantity of provisions that the whole country grew clamorous and petitioned Colonel Fletcher to dismiss the ship. Provisions grew so scarce and dear that the poor began to be pushed, butter rising to 1s. 6d. *per lb.* and other things proportionably. At length when she had bought all the provisions that the Governor durst let her, she went away for Surinam. A brigantine of New York went with her and within Sandy Hook unladed £1,000 of provisions into her. This can be proved on oath. It was no secret, for it was known to all the town, and the general report was that the brigantine would be seized, but she was not. Governor Fletcher, Colonel Bayard, Minvielle and Brooke were feasted on board the Dutch ship. I sent you the documents in relation to this among my proofs against Colonel

1698.

Bayard, but I send now another copy. *Signed*, Bellomont. $4\frac{1}{2}$ pp.
Endorsed, Recd. 28th, Read 30th Dec., 1698. *Enclosed*,

978. i. Account of the Revenue of New York during Colonel Fletcher's Government, reckoning from Michaelmas.

1692-3, £3,291. 1695-6, £3,403.

1693-4, £3,934. 1696-7, £3,410.

1694-5, £3,884. 1697-8, £2,145.—Total, £20,069.

$\frac{1}{2}$ p. *Endorsed*, Recd. 28 Dec., 1698.

978. ii. Statement of the Revenue for the quarter ending on Michaelmas day during Colonel Fletcher's Government.

1692, £856. 1695, £1,149.

1693, £959. 1696, £1,678.

1694, £1,844. 1697, £843.—Total, £7,329.

Average per year, £1,221. $\frac{1}{2}$ p. *Same endorsement*.

978. iii. Abstract of the Revenue collected at New York from 8 June to 29 September, 1698. Total, £2,270. *Copy*.
 1 p. *Same endorsement*.

978. iv. Table of ships entered inward and outward during the Michaelmas quarter of the years 1695 to 1698.

1695 - Ships inward 51 - Ships outward 55

1696 - " " 71 - " " 70

1697 - " " 54 - " " 66

Total - - - 176 191

1698 - " " 41 - " " 55

1 p. *Same endorsement*.

978. v. Account of Excise collected in New York in the years 1687 and 1697; a detailed account. Total of 1687, £1,143. Total of 1697, £1,031. 2 pp. *Same endorsement*.

978. vi. Account of the population of New York.

County and City of	Men.	Women.	Children.	Negroes.
Albany - - -	380	270	803	23
Ulster and Duchess County - - -	248	111	869	156
Orange County - - -	29	31	140	19
New York City and County - - -	1,019	1,057	2,161	700
Richmond County or Staten Island - - -	328	208	118	73
Westchester County - - -	316	294	307	146
Suffolk County - - -	973	1,024	124	558
King's County - - -	308	332	1,081	296
Queen's County - - -	1,465	1,350	551	199
Total - - -	5,066	4,677	6,154	2,170

$\frac{1}{2}$ p. *Same endorsement*.

978. vii. Table showing the decrease of Indians and inhabitants of Albany County. The Five Nations and River Indians have decreased since the beginning of the war from 2,800 to 1,324. The inhabitants have decreased, through

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death, capture and flight, from 662 men, 340 women, 1,014 children, to 382 men, 272 women, 805 children. 1 p. *Same endorsement.* 1 p.

978. viii. Extracts from the Minutes of Council of New York of 28 September and 9 November, 1693. Referring to the purchase of provisions, under permission of Council, by the ship *King David*. 1 p. *Same endorsement.* [*Board of Trade.* New York, 8. Nos. 20, 20 I.-VIII.; and (without enclosures) 53. pp. 174-182.]

Nov. 7. 979. Journal of Council of Trade and Plantations. Order in Council of 25 October as to hearing the complaints of Colonel Fletcher received (No. 937), and order given for him to be warned to attend.

Mr. Burchett's letter of 5th inst., with duplicates of papers from Newfoundland, read.

Further consideration of the Acts of Massachusetts.

Nov. 8. Order for the Attorney and Solicitor-General to be urged to despatch the Acts before them, dividing them between themselves.

Nov. 10. A letter from Colonel Fletcher read, asking to be excused from attending for a few days owing to his lady's death. Consideration of Lord Bellomont's papers continued.

List of papers received from Maryland.

Nov. 11. Five Orders in Council of 3rd inst. received; also a letter from Sir William Beeston of 28 July, with several enclosures, which was read. Order thereupon for the Secretary to write to Mr. Gilbert Heathcote and Sir Bartholemew Gracedieu to submit some names for the Council of Jamaica.

New York papers further considered.

Colonel Collingwood's memorial received (No. 991). [*Board of Trade.* Journal, 11. pp. 277-284.]

Nov. 8.
New York.

980. Governor the Earl of Bellomont to Council of Trade and Plantations. This is to give you a state of the accounts. With the General Account I send a short abstract. Colonel Fletcher having pretended to apply the 30 *per cent.*, deducted from the pay of the forces here, to the building and repair of fortifications, I send you the King's order as to the application of that deduction and the account of the payments made from it, as delivered by Daniel Honan; also the account current thereof, with my observations thereupon, my orders to Colonels Bayard and van Cortlandt to survey the fortifications on my first arrival and their report thereon, which will show you that the Governor's house and fortifications were much out of order when Colonel Fletcher was superseded. I also send an account of the victualling of Colonel Fletcher's company, which shows him to have pocketed £1,496 by defective men. We reckon their victualling rolls to be exact and true, the officer taking care not to be cheated by the victualler, while the victualler is not likely to cheat himself. Daniel Honan was appointed Accountant-General of the province by Colonel Fletcher. The office was new and superfluous, and I am told that it was created without due warning. To be sure, Colonel Fletcher had the Council's consent to it, as he had for £130 to repay him the expenses of his voyage from England over and above the £600 allowed him by the King, and for issuing

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sums of money to Honan for no assigned purpose. To the office of Accountant-General was attached a salary of £50, and in Colonel Fletcher's account for the 30 *per cent.* deduction there is another charge of £50 for salary to this same Honan. But I suppose that this last salary was paid to him as Secretary at War, for he was that also, countersigning as such all commissions and orders relating to the companies and militia, which (besides the vanity of imitating Majesty) seems to me as superfluous an office as the other. Some of Colonel Fletcher's friends in the Council pressed me to make an Accountant-General, but knowing that it was a useless office and that this was only a snare to draw me into justifying Colonel Fletcher, I absolutely refused. I have already reported to you how profligate a man Honan is. There has been the strangest management in the buildings within this fort. The addition to the Governor's house, which is very little, the chapel and the barracks had cost before I came £3,701, as will be seen by an account sent to Mr. Weaver. I am beholden to Colonel van Cortlandt for this particular account of the buildings, who extracted it from the general accounts, otherwise there would have been a mystery of iniquity which I should never have known, for Colonel Fletcher and his man Honan left no account-books for other people to judge as to the expenditure of the public money. I find in the general accounts of the buildings a prodigious quantity of lime and bricks, enough to build a little town, and I am sure there is a good deal of fraud used in multiplying these materials. I have myself detected that bricks were all along charged at 30*s.* *per* thousand, though they were and are bought at 25*s.* I would undertake to build the same quantity of building in London for £600. It is true that building is one-third dearer here than there, but on a strict audit and survey I doubt not that Colonel Fletcher will be found to be indebted many thousand pounds to the King. I believe this debt will more than pay for the forts at Albany and Senectady, but I shall not say what it is till you order an exact audit of the accounts. Another article for which he is chargeable is money taken for the King's lands which he had no sort of power to sell. I cannot compute this last sum nearer than this. I have found out how much he made out of two or three grants, and reckoning the rest to be in proportion, he cannot have received less than £4,000, and, as many believe, much more. I have already sent you a list of the grants made by him. I send also a certificate of a perquisite of ten shillings for every soldier claimed and received by Colonel Fletcher, the total of which is £219, and is a further charge upon him. He can in no way justify it, for it was no sanction for it that Colonel Sloughter invented and enjoyed it; an honest man would have scorned such a precedent. It is no wonder that the soldiers deserted when the victualler was tied up to so narrow an allowance that he could give them no provisions fit for anything but dogs to eat. Colonel van Cortlandt tells me that he was forced to refuse payment of the perquisite afterwards, provisions grew so dear. I shall enquire of the victuallers at Albany whether they gave him that perquisite. Colonel Fletcher is further accountable to the King for an escheat of £500, which he received from the estate of a suicide. The sum of £4,053 at the foot of the

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short account is charged upon Fletcher and Brooke, these being all the accounts we could find. But there are other charges also, which are home charges upon him until he clears himself of them. I have taken much pains in making these enquiries, because it was my duty, not because I take delight in exposing Colonel Fletcher, though he did his best to make my Government uneasy to me: I await your orders as to further scrutiny of the accounts. *Signed*, Bellomont. *P.S.*—I send some further accounts of which I ought to have advised you at the beginning of my letter, and I am sending to Mr. Weaver copies of all Colonel Fletcher's orders for payments. 4 pp. *Endorsed*, Recd. 28th, Read 30th Dec., 1698. *Enclosed*,

980. i. Memorandum of the General Account of the Revenue of New York, referred to in the above letter, and filed in the volumes of Accounts. *Scrap.*
980. ii. A list of the debts owed by the Government of New York on 30 August, 1692, when Governor Fletcher arrived. *Total*, £740. 1 p. *Endorsed*, Recd. 28 Dec., 1698.
980. iii. A list of the debts owed by the Government of New York on 2 April, 1698. *Total*, £350. 1 p. *Same endorsement.*
980. iv. List of several creditors of the New York Government, who have warrants for payment of their claims, up to 2 April, 1698. *Total*, £1,391. 1½ pp. *Same endorsement.*
980. v. Account of arrears of taxes owing in New York on 1 November, 1698. *Total*, £1,253. 1 p. *Same endorsement.*
980. vi. General statement of the public money of New York, received and disbursed from 29 September, 1692, to 25 March, 1698. Receipts, £54,168. Payments, £51,403. Balance for which the former Collector and Colonel Fletcher are responsible to the King (including the balance of £2,764 due in the above account) is £4,053. *Large sheet. Same endorsement.*
980. vii. Copy of the Royal Warrant fixing the establishment of the four foot companies at New York. Annual charge, £6,801. 3 pp. *Same endorsement.*
980. viii. Account of the money paid to the King's service upon the credit of the 30 per cent. deducted from the pay of the forces in New York. 7 pp. *Same endorsement.*
980. ix. Account current of the 30 per cent. deduction from the pay of the forces in New York. 2 pp. *Same endorsement.*
980. x. Lord Bellomont's observations upon the state of the 30 per cent. deduction from the pay of the forces in New York. (1) There is a charge for the chaplain's pay from 1 Jan., 1692, to 1 May, 1697, whereas there was no chaplain during that period. (2) The same is true of the surgeon's pay, though the surgeon went to Madagascar in 1694, and his duty has been done by

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others. (3) There was no adjutant on the establishment until 1695, of whose money only £36 10s. 0d. was paid. (4) The charge to Miles Foster is deducted from the pay due to the company for clothing, etc., and ought not to be allowed. (5) The money stated to have been paid to surgeons should be deducted from the surgeon's establishment. (6) It is doubtful whether the sums here charged for bringing back deserters have not also been charged upon the general revenue. *Here follow four more exceptions, of much the same nature, to these accounts.*

980. xi. Copy of Lord Bellomont's order to Colonels Bayard and van Cortlandt to survey the fortifications. 10 April, 1698.

Copy of their report, estimating the charge for necessary repairs at £1,515. 2 pp. *Same endorsement.*

980. xii. Account of the victualling of Colonel Fletcher's company of foot, showing that he gained by the deficient men £1,496. 1 p. *Same endorsement.*

980. xiii. Certificate of Stephen van Cortlandt and Robert Livingston as to Colonel Fletcher's claiming 10s. for every soldier of his company whom they victualled, until lately when the dearness of provisions forbade it. *Copy.* 1 p. *Same endorsement.*

980. xiv. Memorandum of several orders in Council for payments during Governor Fletcher's government, received from Mr. Weaver. [*Board of Trade.* New York, 8. Nos. 21, 21 i.-xiv.; and (without enclosures) 53. pp. 184-190.]

- Nov. 8. 981. Abstract of the preceding letter of Lord Bellomont. 2 pp. [*Board of Trade.* New York, 8. No. 22.]

- Nov. 9. 982. Minutes of Council of Bermuda. Several votes of the House of Assembly were brought up to the Council.

- Nov. 10. The liquor-tax, with amendments, was passed and ordered to be engrossed and published. [*Board of Trade.* Bermuda, 39. p. 9.]

- Nov. 10. 983. Minutes of Council of Maryland. Order for Major William Barton to be commissioned Sheriff of Prince George's County.

Charles Carroll, Lord Baltimore's counsel at law, appeared to answer why he pretends to turn people off their land and then sell it as escheated. A petition making such a complaint was laid before him and Colonel Darnall, and together with their answer thereto referred to the Attorney-General. The Governor observed as to the practice for the King's escheats, whereat Colonel Darnall laughed in his face, and his Excellency said that unless he forebore he would be laid by the heels. It was finally agreed that the whole matter should be referred to the Council of Trade. [*Board of Trade.* Maryland, 13. pp. 659-661.]

- Nov. 10. 984. Minutes of Council of New York. Order for the City and County of Albany to elect three representatives to the Assembly

1698. in future. Orders for payment of £21 15s. 0d. for wine for the soldiers on the King's birthday, and for other payments. [*Board of Trade*. New York, 72. p. 161.]
- Nov. 10. **985.** The Solicitor-General to Council of Trade and Plantations. I have perused and enquired as to a private Act of Antigua respecting Nicholas Rainsford's estate, and am satisfied that it may properly be confirmed. *Signed*, Jo. Hawles. $\frac{1}{2}$ p. Recd. 16 Nov., 1698; Read 28 Aug., 1700. [*Board of Trade*. Leeward Islands, 5. No. 124; and 45. pp. 302-303.]
- Nov. 11. **986.** Benjamin Jackson to Council of Trade and Plantations. Boston. Mons. Villebon has lately written letters to this Government claiming the lands lying between St. George's and Kennebec Rivers, and forbidding the English fishery on that coast. This is an encroachment and very prejudicial to us, for that tract of country is accounted the best of all for the production of Naval stores, and if the French get it into their hands they will defeat the King's design as to Naval stores, destroy the rights of his subjects and lead to further encroachments. The bounds of the French Government (as we are informed) before the Treaty of Breda extended no further than the River St. Croix, but they obtained as far as the St George's River by the surrender of Sir Thomas Temple's patent. They now claim to the Kennebec, ten leagues further to west, but on what pretence is unknown, unless on account of the Indians there who joined them in the war and whom they call their subjects, and on account of some design to supply the French King with Naval stores. As one of the four Commissioners appointed to enquire into the matter of Naval stores, I have thought it my duty to report this matter, that the French claims may be opposed by the English Commissioners. *Signed*, Benjamin Jackson. $1\frac{1}{2}$ pp. *Endorsed*, Recd. 19, Read 23 Dec., 1698. [*Board of Trade*. New England, 9. No. 41; and 37. pp. 74-77.]
- Nov. 11. **987.** Lieutenant-Governor Partridge and Benjamin Jackson Boston. to Council of Trade and Plantations. As two of the Commissioners appointed to report as to Naval stores in the Colonies, we report as follows. Mr. Bridger and Mr. Furzer were driven by heavy weather to Barbados, where the latter died, and Mr. Bridger was so long detained by sickness that we were obliged to defer our inspection until the fall. Meanwhile we employed our time with Mr. Bridger in viewing the forests of Massachusetts and New Hampshire, under a guard from New Hampshire, and have found vast quantities of white pine fit for masts of all dimensions, and of excellent white oak for timbers of all sorts. We have begun an experiment for making tar as in Finland without the hot quality which is the fault of tar in this country, and have prepared 140 pitch-pine trees for the purpose. We have also applied to the Government of New Hampshire to encourage the planting of hemp in that province, and the Assembly has passed an Act for the purpose. We shall make the same application to the Government of Massachusetts. We intend to cut timber this fall and send home specimens in the spring. We shall also inspect the Eastern parts as far as the French boundary to report as to the best places for timber, pitch, tar, etc. We should

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have done it this fall had not the Deptford been ordered home. We shall send a full report as to quantities and prices with the specimens. *Signed*, Wm. Partridge, Benjamin Jackson. 2 pp. *An abstract inscribed on the third page.* Endorsed, Recd. 19, Read 23 Dec., 1698. [*Board of Trade.* New England, 9. No. 42; and 37. pp. 78-81.]

Nov. 12.
New York.

988. Governor the Earl of Bellomont to Council of Trade and Plantations. This is to give you additional information as to Colonel Fletcher's neglect of the frontiers. Mr. Graham, who is the most knowing in all affairs here, has delivered me the enclosed memorial, which with certain papers attached thereto will show you how little care he took of Albany and Senectady, the only frontier-places since he abandoned the Half Moon and Canestagione. The enclosed certificate of two of the lieutenants will show you how Colonel Fletcher valued his engagement to the Assembly to keep the garrison at Albany up to 300 effective men. They had given him money in 1696 at the request of the people of Albany, who, fearing an invasion of the French that winter, earnestly solicited his presence among them. They expected to see the number of men that he had promised the Assembly for securing the frontiers, but instead of 150, which were wanting in the three companies, he carried up but eighteen men, and those of his own company at New York, besides 25 sent by Connecticut as their quota. There is clear proof that Colonel Fletcher had no design of keeping full companies in the fact that he rejected the bill for preventing the desertion of soldiers, of which I enclose a copy. The fact is fully recorded in the Journal of the Representatives. I think you will agree with me, after reading this bill, that it would have answered its end, but it seems by the amendments annexed to the bill and by what Mr. Graham (who drew it) tells me, that Colonel Fletcher so clogged it as if resolved that it should not pass, for he insisted on subjecting the militia to martial law. I confess that his conduct relating to the frontier is astonishing. It seems to me that he meditated nothing but enriching himself, and that the King's honour and the safety of the province were the least point of his care. Without troubling you with further proofs of his subject, I will give you but these two examples. The printed accounts of his great exploits among the French, which he published and sent to England, I cannot get hold of for love or money, and I am told that he made it his business to get up all the printed copies. This is an argument with me of his consciousness that he had imposed a romance instead of a true narrative, and I will undertake to prove that the French never attacked our frontier during his Government. They did indeed invade some of our Indians that lay next to Cadaraqui, which is very remote, but Colonel Fletcher failed the Indians in point of succour, which they "throw in his dish" in their conferences with me. The second example in the flattering address presented to him by the people of Albany at the end of his government, of which I have sent you a copy. Some of the subscribers owned to me, when I was at Albany, that they were heartily ashamed of setting their hands to so lying an address, which they were prevailed upon to do by Mr. Dellius, who terrified them with

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threats of Colonel Fletcher's revenge if they refused to pay him that compliment.

I send you a letter from Mr. Addington, Secretary at Boston, dated 24th ult., with translation of a letter from Mons. de Villebon, Governor of Acadia, to the Lieutenant-Governor. I shall not enlarge hereupon, for Mr. Addington tells me that the matter has been represented to you, but I think it strange that the French men-of-war disturb our fishery on these coasts at the same time when our men-of-war are recalled home from guarding them. I cannot but be troubled at these insults of the French in our own seas, but I hope that you will remedy so great a mischief. I also send copy of a charter granted by Colonel Fletcher to the Dutch Church here, which I think very extraordinary, for it is setting up a petty jurisdiction to fly in the face of the Government, as I have found from my own experience. Hearing that Colonel Fletcher had received a bribe for passing this charter, I sent to the Churchmasters (who I suppose correspond to our Churchwardens) for a sight of their Church-book, wherein I was told that I should find an entry of the said bribe. They told me that they could not consent to my seeing the book till they had spoken to the minister, Mr. Selynus. I then sent to him to ask for a sight of the book, which he said that he could not do till he had called a consistory. This behaviour, I confess, provoked me and I resolved to have a sight of the book even if I should send my warrant to take it by force, but I thought it best first to try fair means and by fair winds obtained a sight of it from the minister. I enclose copies of the entry of the present and another extract. This is just such an institution as Colonel Fletcher made at Westchester. That city consists of about twenty houses and possesses greater privileges than any town in America, such as the choosing of their own Mayor, the power of life and death and the like. The majority of the inhabitants are felons upon record. Mr. Weaver will lay before you a copy of this charter. Three seizures of East India goods were made in several houses last week by Mr. Hungerford. I send lists of them, also of the packets sent by Captain Jeffers's ship, of whom I have suspicions, being a very stubborn, insolent man, who would have gone home without my packets had I not sent a warrant for him and forced him to take them. He was under the influence of Colonel Bayard, who took a passage to England in his ship. I must mention, as to Bayard, that his answer to my reasons for suspending him was not sent until ten or twelve days after he sailed, and as long after I had sent the said reasons to you. He has therefore transgressed the King's orders, though I had myself warned him that those orders were that I should send the charges and the answer thereto, in such cases, at the same time. His answers, which I enclose, are weak and frivolous, but I am content to leave them to your judgment. I have not had time to descant on them particularly, though I intend to do so by next opportunity, but I must remark on his reflections upon Dr. Staats and Alderman Lewis in the third article about piracy. These two have as good a character as any two men in New York, without exception; they are of substantial estate, and therefore the less likely to be tempted to forswear themselves. Bayard indeed is said

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to have obtained an estate by fraud, and were it worth while I could prove what I say. I must also clear away a reflection which he casts on myself, namely, that I came here prepossessed and determined to displace him and others from the Council. This I solemnly deny, for I do not know that I had ever seen or heard their names except in my instructions. I might have heard in England a general account of Colonel Fletcher's correspondence with pirates, and that a corrupt Council was joined with him in maladministration, but so far was I from suspending even Bayard (whom I knew to be my most inveterate and industrious enemy) that I employed Colonel van Cortlandt and Mr. Graham, his nearest relations by marriage, to bring him to temper, as they can bear witness. I sent him word by them that as he had been a most violent enemy of Leisler and his friends, he might be afraid if he saw any of them employed in the Government, but that if he would join me, I would undertake that not a hair of his head should be touched, and that I would reconcile the people to him; but he refused obstinately to listen to their arguments. This was but three or four days before the suspension of him and of the rest, and I would appeal to you to decide which of us has acted with charity and moderation. It is true that in the eighth article of his answer he would make himself a saint, and pretends to such a forgiving temper that he had sacrificed all his losses by Leisler and his soldiers to the public. I shall send you a certificate from Colonel van Cortlandt and Mr. Graham by next conveyance. To show you how perverse a man Bayard is and how void of principle are he and Nicoll, I must mention that both before and since I dissolved the Assembly these two have made it their business to prejudice the whole country, where they had any influence, against continuing the revenue to the King; and yet these same two men, in Colonel Fletcher's time, managed a conference with the Assembly for settling the present revenue, and stickled very much with the Assembly to vote it for the King's life, though the Assembly would only vote it for five years.

I formerly acquainted you with the case of William Simpson, a soldier who lies under sentence of death for murdering a Sachem, and for whom the Indians have interceded. Though I wrote to you that I thought he ought to suffer, I must now ask for his pardon, lest I should myself be brought into a *præmunire* myself. The matter stands thus. My commission forbids me to erect Courts of Judicature for criminal cases without consent of Council. To the best of my knowledge and remembrance I did acquaint the Council with the notice sent to me of the murder, and Colonel van Cortlandt and Mr. Graham are confident that I did so. A commission was sent up to Albany for trial of the murderer, but it seems that Mr. Jamison, late Clerk of Council, who lay upon the walk to betray me, has omitted to record the Council's concurrence in this commission, and I am told that this is to be made the ground of a heinous charge against me. However false such a charge be in itself, Jamison is capable of swearing anything. I have received several cautions against the man, both in England and here, but I was so secure in my own innocence that I feared not

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him nor anyone else. Mr. Clement had failed me; I had no one fit to put in his place, and here all people were strangers to me, so that I suffered Jamison to keep his place as best understanding the business, not because Colonel Fletcher recommended him to me as the honestest man in the world. Colonel Fletcher knew that he had been condemned to be hanged in Scotland, and had had his sentence mitigated to transportation, and knew also that he had two wives when he recommended him to me. *Signed*, Bellomont. *Postscript*.—14 November. I send copy of an address brought to me last week. I have not had time to count the signatures, but they seem to be about 1,500. The subscribers are the sort of people that Colonel Fletcher discountenanced, and I appeal to you whether there would be any prudence or justice in disobliging such a number of people. They are inhabitants of three contiguous counties, and the design was to make the address general throughout the province and to present it to me on the King's birthday; but the names of subscribers in remote counties could not be obtained in time, otherwise I am assured that there would have been many more signatures. 7 pp. *Endorsed*, Reed. 28th, Read 30th Dec., 1698. *Enclosed*,

988. 1. Memorial of the Attorney-General of New York to Governor Lord Bellomont. I make the following report on the state of the frontiers during Colonel Fletcher's government. He arrived here in 1692. The Assembly then sitting raised 220 men for securing the frontier at Albany till 1 May, 1693, and also 80 men in Ulster County to be continued during the time of greatest danger, which was reckoned to be from the 15th December to 1st March following. In September Colonel Fletcher visited the frontier, and on his return declared 100 men to be a sufficient garrison against all the strength of France, though the country had thought 300 men barely sufficient because, before Colonel Fletcher's arrival, it had been thought of great import to garrison the Half Moon and Canestagione to secure the out-settlements for the easier provisioning of the garrison. In January, 1693, the French invaded the Maquas' lands. Colonel Fletcher thereupon went up to Albany with some detachments of men, arrived there in February and in March advanced to Senectady, where he heard that the French had retreated after a skirmish with Colonel Ingoldsby's force. At that time the garrisons of Half Moon and Canestagione were withdrawn and never resettled. Colonel Fletcher returned to New York, and notwithstanding the invasion left no orders with the commandants at Albany nor took care to secure the inhabitants in the out-settlements, by replacing the garrisons aforesaid, but left them exposed to the fury of the enemy. For want of the said garrisons the people were carried captive by the French, many killed and scalped, the out-settlements laid waste, and the garrison at Albany much straitened by want of the fresh provisions which these out-garrisons had formerly secured for it.

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The Assembly raised 300 men for the frontier for one year from 1 May, 1693, to 1 May, 1694, yet no garrisons were replaced in Half Moon and Canestagione; no orders were given to the Commandant to range the woods and watch the motions of the enemy, nor was any care taken to fulfil Colonel Fletcher's solemn promise to the Indians to help them to demolish Cadaraqui. Through this neglect the Indians were disgusted and the frontiers deserted, many people having been killed and captured. To secure the frontiers from 1 May, 1694, to 1 May, 1695, the Assembly raised 170 men, the King's forces arriving about the latter date. The Assembly also granted bounty-money, upon news of desertion of the soldiers, and at the same time passed an Act to prevent desertion, which was rejected by Colonel Fletcher. The Assembly also voted fourpence a day in augmentation of the men's pay, but still the companies were never full, nor were scouts sent out to range the woods, by which neglect our people were daily cut off and captured. In spite of the yearly damage that befel the inhabitants on the frontier, Colonel Fletcher never sent out scouts, nor left orders to do so, until at last the Assembly, who did not profess to be soldiers, raised money and appointed Commissioners to send out scouts, by which means the enemy's design to cut off Kinderhook was discovered, and all cut off. This was in 1696. In 1697 the Assembly did the like, by which all mischief was averted though the garrison was weaker than ever, Colonel Fletcher not having raised a man, although large sums voted by the Assembly were perverted by him. He values himself indeed upon the securing of the frontier and that he had not lost a foot of ground to the enemy; yet it is manifest that at his arrival the out-garrisons secured the out-settlements, and that the grounds were ploughed and the harvest gathered without danger, and that the garrison of Albany always had fresh provisions. When the out-garrisons were withdrawn the calamities followed, and though not a foot of ground was carried away yet whole families were destroyed, their plantations laid waste, and damage done to the value of at least £4,000 *per annum*. Signed, Ja. Graham. 2½ pp. Endorsed, Recd. 28 Dec., 1698.

988. II. Account of the stores of war in the frontier garrison of Senectady, commanded by Lieutenant Daniel Hunt, in June, July and August, 1696, when Count Frontenac destroyed the castles of the Onandagas and Oneidas. 8 guns and 4 patararoes, 28 lb. shot, 6 4lb. shot, 1 barrel of cannon powder, part of a barrel of unserviceable musket-powder, 8 flints. *Other stores in like small quantities*. The garrison was one officer, and 32 non-commissioned officers and men.

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Statement of Lieutenant Daniel Hunt. I was in command at Senectady, when the French destroyed Onandaga and Oneida. I forwarded by express all news that reached me to Colonel Ingoldsby (commanding on the frontier) who acquainted Colonel Fletcher, who, after the enemy was gone, came up to Albany without any forces. When I took over the command at Senectady and the enemy was marching towards us, I had only part of a barrel of powder and very little shot; but on my writing to Colonel Ingoldsby he sent me a barrel of powder and six cannon balls. *Copy.* 1½ pp. *Endorsed as No. 1.*

988. iii. Report on the condition of Albany, 26 December, 1696. (1) The upper blockhouse on the south has two small guns and one patararo, of which the carriages are out of repair. (2) The platform of the gun that ranges the great gully needs repair. (3) The carriages of the guns in the centre blockhouse are out of order, shutters are wanting for the port-holes and the guard beds are defective. (4) In the lower blockhouse the carriages of the two great guns are out of repair, eight port-holes are without shutters or guns, and the floor is defective. (5) One of the mounts on the water-side is out of repair, and one of the gun-carriages broken. (6) The angle-mount is defective. (7) The guard blockhouse has two guns and three port-holes below, two guns, one patararo and eight port-holes above. The floor wants nailing and the chimney is falling down. (8) The upper blockhouse on the north was locked up, so that we could not inspect it. (9) The platforms round the town need to be repaired and increased. (10) There are several gaps and passages in the stockades. (11) All the bridges over the gullies within the city need much repair. (12) All the blockhouses require locks and ammunition chests. (13) One of the bastions requires to be new planked, and the guard to be repaired. Certified as a true state of the garrison when taken over by (*signed*) Angus Graham. *Copy.* 1½ pp. *Endorsed as No. 1.*
988. iv. Copy of a letter from Colonel Ingoldsby to Lieutenant Hunt. Albany, 31 July, 1696. Advising him of the despatch of ammunition and stores. Has not had one word of orders from the Governor, but expects him with some force when it is too late. *Copy.* ½ p. *Same endorsement.*
988. v. Copy of a letter from Colonel Ingoldsby to Lieutenant Hunt. Albany, 1 August, 1696. I find that the Indians are likely to be gained by the French. Monsieur is not for destroying them, but for making them friends. I cannot understand why we hear nothing from the Governor, after many expresses, but I think he is detaching men to bring with him, which will be too late.

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If I hear that the enemy advances I shall come and keep you company. *Copy. ½ p. Same endorsement.*

988. vi. Account of stores in Senectady garrison, delivered over by Lieutenant John Riggs on being relieved by Lieutenant Charles Oliver, 15 March, 1696-7. This account shows little difference from that given in No. II., except that the garrison had been increased to 40 men. *Copy. 1 p. Same endorsement.*
988. vii. Certificate of Lieutenants Daniel Hunt and Charles Oliver that in November, 1696, Colonel Fletcher reinforced Albany with his own person, 18 men of his company and 25 recruits from Connecticut, and no more. *Copy. ½ p. Same endorsement.*
988. viii. Copy of an Act of New York to prevent desertion, passed by the Assembly but rejected by the Governor and Council, with extracts from the Minutes of Council of 3 July, 1695, showing the messages that passed between the two houses respecting it. 3 pp. *Same endorsement.*
988. ix. Memorandum of the receipt of the Journal of the House of Representatives of New York, enclosed in this letter of Lord Bellomont. *Scrap.*
988. x. Copy of a letter from Secretary Isaac Addington to Governor Lord Bellomont. Boston, 24 October, 1698. In obedience to your orders, Lieutenant-Governor Stoughton has been duly sworn to obey the Acts of Trade and Navigation. I return your commission, which was somewhat defaced by wet on its way here, the bearer having been forced to swim many rivers. I enclose a letter recently received by the Lieutenant-Governor from Mons. de Villebon, Governor of Acadia, claiming to extend the French boundaries into this province as far as the river Kennebec, and pretending to the sole right of fishing on those coasts. He forbids our fishermen to come thither at their peril, and a French man-of-war lately seized two of our fishing-boats, detained them two or three days, and then dismissed them, thus interrupting their employment. The matter is of such importance to our trade and to our peace that the Lieutenant-Governor has reported it to the Council of Trade, praying for the King's intervention, hoping that these pretensions of the French may be set aside when the Commissioners of the two Crowns meet to settle differences about boundaries. We send you copies of memorials on the subject drawn up by Mr. John Nelson. The arguments therein against any concessions to the French are the best that can be given, and we have asked the Council of Trade to refer to them. We beg that you will second our application to the Council hereon. On consideration the Lieutenant-Governor has decided to defer the returning of your

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commission lest it should be still further defaced on the journey. *Signed, Isa. Addington. 1 p. Certified as a true copy, but apparently mistranscribed at one unintelligible passage. Same endorsement.*

988. xi. Translation of a letter from the Governor of Acadia to the Lieutenant-Governor of Massachusetts. St. John's River, 5 September, 1698. I send you this by Sieur Bassett, whom the King has pardoned for any act done contrary to his service on his engaging to establish himself in this country. I am sure that you will make no more difficulty than should I in the like case, in permitting his return and assisting him to finish his business. I am surprised that after what I wrote to you about our Indians you return me no answer, and persist in retaining them prisoners. I shall say no more, but refer you to my former letter of 27 June last. I am informed that you have divers fishermen upon our coasts and that you also permit your people to trade in the French settlements. You must expect that I shall cause all Englishmen caught trading or fishing to be arrested, and the rather since provision against this is made in the recent treaty of which you lately sent me a copy. Moreover, Mons. de Bonaventure, commanding a King's ship, has sent back to you some of your fishing vessels taken by him upon our coasts, with a message to say that if they return he will make prize of them. I have, on my master's behalf, to conform to the Treaty of Neutrality for America concluded between him and King James in 1686. I have also strict orders to maintain our boundary between ourselves and New England, which is from the source to the mouth of the Kennebec, the course of the river being open to both nations. I have no doubt that you will observe this and that you will forbear to treat the settlers there established as your subjects lest evil consequences should ensue. $1\frac{1}{4}$ pp. *A very bad translation. Same endorsement.*
988. xii. A copy of the charter granted by Governor Fletcher to the Dutch Church in New York. 11 May, 1696. 14 pp. *Same endorsement.*
988. xiii. Extract from the Church-book of the Dutch Church of New York. Payments on account of the charter. To the Attorney-General, James Graham, for drawing the charter, £15; to Mr. Jamison for the same, £15; for quit-rents and for two silver dishes for the Governor, £72; to the silversmith for making the dishes, £9. Total expenses, £112. *Copy. 1 p. Same endorsement.*
988. xiv., xv., xvi. Three inventories of East India goods seized from William Taylor, John Potter, and Samuel Burt, on 2 November, 1698. *Each $\frac{1}{2}$ p. Same endorsement.*
988. xvii. List of papers sent by Lord Bellomont to England in Thomas Jeffers's ship, on 30 October, 1698. 1 p. *Same endorsement.*

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988. xviii. Answer of Nicholas Bayard to Lord Bellomont's reasons for suspending him from Council. (1) I have always to the best of my ability done my duty faithfully as a Councillor. I did advise, with the consent of the rest of the Council and the advice of the Attorney-General, that dog-dollars should be made current. In that time of war, and even now, when coin was scarce, they were made current in many other Colonies at six shillings apiece. We fixed their value at *5s. 6d.* after consulting all the ablest merchants; and the fact has not injured anyone's rights or property, for the dog-dollar is generally the most acceptable coin in the province. If any of them are received at a loss in the Treasury to-day I am ready to give other current coin for them. (2) I deny that I ever connived at the unlawful loading or unloading of foreign bottoms. (3) I am ignorant that Colonel Fletcher granted commissions to pirates and I never connived at it nor at any other of the misdeeds as alleged. I never acted as intermediary to procure protections for pirates from Colonel Fletcher, but I cannot answer a general charge which specifies no particular action. Lord Bellomont has misconstrued a certain act of kindness done by me to Mr. Leendert Lewis, a near neighbour of mine, and to Dr. Samuel Staats, so I will state that at Lewis's earnest request I was persuaded some years ago to write to Colonel Fletcher at Philadelphia in favour of his brother, Thomas Lewis, who had been rambling abroad, as was supposed privateering. Lewis, however, averred that his brother had done no unlawful act, but being desirous to wean him from the wild life of a seaman and deliver him from the danger of impressment for H.M.S. Richmond, prayed the Governor to grant him licence to trade in New York and at the same time asked the same favour for Barent Ryndert, brother-in-law to Staats, who had long been his companion. Governor Fletcher granted me the said licences, in the form generally called protections, and I gave them to Leendert Lewis and Staats, who asked what was to pay for them. I told them that the Governor had written to me that it was a principle with him never to make a bargain for any act of favour, whereupon they brought me of their own accord a bag containing rather over 100 dollars and asked me to present it to the Governor. This at first I refused to do, but they prevailed with me, and then they laid on the table a paper containing eighteen or twenty Arabian ducats and asked me to accept it for my trouble and expenses. I refused, saying that I done them no more than a neighbourly kindness, but they pressed me so hard that at last I said that I would throw it all into the bag, which I did (if I remember right) while they stood by. Wherein this is criminal and a

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compounding with the Governor for pirates I cannot understand, and must beg his Lordship to clear up the matter by letting Staats and Lewis be examined by some indifferent judge to see if the matter above related is not substantially true. They are both resident in New York, having each married one of Widow Leisler's daughters, and can say whether they are guilty of piracy or not. I must deny also that I ever advised or connived at the entry of a pirate ship into New York, or the acceptance by the Governor of rewards for giving protections to the pirates. (4) I disown that I ever advised Colonel Fletcher to frequent misapplication and embezzlement of public money. About six years ago, however, when the French had just invaded the province, burned the Maquas' castles and were advanced nearly to Senectady, I own that, for want of public money in the Treasury, I advised the borrowing of allotted public money in the Receiver's hands to beat the enemy back, which was done with great success. Moreover, I several times advanced money out of my private estate to pay the soldiers, and gave my bonds to Robert Livingston and others when they refused to trust the Government, to make good what the Government should fail to pay out of my private estate. (5) I am surprised to hear that the grant of unappropriated lands, which was the practice under all former Governors, has become a crime in Colonel Fletcher's time: I freely own that I obtained the grant of one tract of land for myself and others. It is the only grant that I ever obtained, and its extent is not one-tenth that which is alleged, unless hills, rocks, swamps, ponds and rivers not worth sixpence to any man. It lies forty miles above Albany, and can produce no profit except after long time, labour and expense. Several traders of Albany obtained a grant from Governor Dongan to purchase it from the natives, but thinking it not worth their money declined it, whereupon I obtained a grant to purchase it. No part of the land has been improved for many years, but rather laid waste; nor was this purchase ever complained of nor any disturbance given to the Maquas (as alleged), but only two or three of the meanest, who apparently had not their competency of the purchase-money, raised a clamour which, if entertained by the Governor, will lead to the questioning of all purchases of land from the Indians. I cannot answer the charge of advising the Governor to grant away several more large tracts of land because I do not know what they are, but I suppose that the grant of the Maquas' land is referred to. I answer therefore that those who understand the true interest of the province have always held it for the advantage of the Crown, the province and the neighbouring Colonies to enlarge the boundaries as far into the country as possible by

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purchasing lands from the Indians and making Christian settlements near and among them. The Indians themselves desire it, and by that means the Five Nations could be much more easily brought to embrace Christianity, which they are so fond of that merely for want of it many are gone to Canada, simply, as they admit, for the sake of instruction. Apart from religion, it would produce a great benefit to educate the Indians further to Christian habits and manners. This would save them from the intrigues of the French and keep them from defection from us, which would undoubtedly prove very hurtful to all the Colonies. The chief obstruction to the setting forward of this work (from my own observation) has been that in time of peace some few traders of Albany have had so much influence, by their clamours of rights and privileges, as to prevent people settling above them lest they should cut off their trade. Like the dog in the manger they will not settle the land themselves nor suffer others, as if it had been their privilege that the Five Nations should bring all the benefits of their huntings to the very doors of these traders at Albany. These have given the French the greatest advantage to send their emissaries among the Indians, and make settlements as far up the country as Cadaraqui, in the Ottawas' country, and even to the back side of Carolina, where a leader with some eighteen or twenty men has built a fort in a pass and obtained great influence with several tribes of Indians. (6) I utterly deny that I advised Colonel Fletcher to go in the field to overawe the elections. Though present, he did not name any representatives, but urged the people to agree in a peaceable manner, without any abusive or threatening language. Finding his advice slighted he left the field before the election. (7) I must do Colonel Fletcher the justice to say that he has done his utmost to preserve the frontier, so I cannot admit that I connived at his neglect of them. This and the foregoing articles are aimed at him and no more affect me than the gentlemen who still are kept in the Council and voted as I did in these matters. (8) I never gave my advice for printing and publishing scandalous pamphlets, but only for the printing of a letter from one gentleman to another as to the troubles at the time of the Revolution. It contained nothing but truth (as can be proved, if necessary) and was only intended to give a true account, which had not before been in print. Lord Bellomont has been misinformed as to the persons whom he applauds as the most active in the late Revolution, for I can prove that no man was more active and zealous than myself, consistently with the peace of the province. There was no more need to alter the constitution here than in Virginia, Barbados, Jamaica and other places without orders from England,

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since all the Colonies must of necessity have been concluded by the orders of the Crown, nor could it forward the Revolution. Yet Lieutenant-Governor Nicholson and the Council of their own accord altered the form of Government in a convention of the Magistrates and Military Officers to advise how the peace of the province should best be secured until orders came from England. An express was sent to the Secretary of State long before Leisler's party began to thrust themselves into power by force, not by the advice of a General Assembly, as has been alleged. That was brought about by the violent passions of some few hot men for their own ends, who inflamed the people with tales of Jacobites and Papists, though there were hardly ten such in the province and none of them in power. It is this that occasioned all the disorders which, though of late nearly extinguished, are now again inflamed, not by the printed pamphlet, but by other means, as I and others have endeavoured to convince Lord Bellomont. It was necessary to print the letter, first, because some months before Lord Bellomont's arrival several of Leisler's party boasted publicly that he would espouse their cause, as he had in England, and would displace the Council; secondly, to undeceive those who were prepossessed by false information. As to Lord Bellomont's charge that I had an implacable malice against Leisler's party, I answer that all men of probity, justice and religion here will give my behaviour a very different character, and will testify that since the disorders it has been full of moderation. I have never asked nor received the least satisfaction for all the injuries I suffered. My estate was robbed and plundered; I was myself first driven into exile and then for fourteen months kept in a nasty gaol, part of the time in fetters, though my friends offered bail for me in £10,000, or more—and all for no cause that has been assigned to this very day. I can prove that for several years past, and even before Lord Bellomont in Council, I have stated that I had sacrificed all losses and sufferings for the peace of the province, had forgiven all the past and had striven as a Christian to return good for evil. *Signed, N. Bayard.* New Jersey, 17 October, 1698. *5½ closely written pages.* *Endorsed,* Recd. 28 Dec., 1698. Read 19 Jan., 1698-9.

988. XIX. Address of several inhabitants of New York to Governor Lord Bellomont. We beg you to lay before the King, from those of us who thought it our duty to imperil their lives for freedom from tyranny and popery, our thanks for appointing you to be Governor. The glorious Revolution could not be effected in this province without extraordinary measures by those who could have withstood it; yet we

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will be bold to say that it was managed here with the strength of affection, and if that did transport some beyond rules, yet we ask for a favourable construction, for the neighbouring provinces did not affect their Revolution without greater damage than was sustained by any person here. We thought that this affectionate management deserved better reward than that the leaders should have been arraigned, convicted and executed to gratify the malicious rage of a few persons. We bore this patiently since it was under the King's authority, and we have since submitted dutifully to all the oppressions and arbitrariness of the late Governor, waiting for deliverance. But we have been greatly surprised that those in high places and holding the greatest trusts in the Government should give themselves up to their rage and project a disturbance by ordering, just shortly before your arrival, the printing of a fictitious letter, raking up the ashes of the late Revolution and renewing the heats of the people, so that only prudence averts a rebellion. Not satisfied with this they put false constructions upon your moderation, and are so filled with fury because you administer the government according to the laws, that they have combined to turn you out of the Government for the satisfaction of their unreasonable appetites. We lay our services before you, and beg you to employ us against any seditious or rebellious conspirators. In testimony of our sincere affection we think nothing so dear to us as the support of the King's Government by the establishment of a revenue by Act of Assembly. *Large sheet. Copy, with ten pages of copied signatures, the great majority of them Dutch.*

988. xx. Copy of a charter granted by Governor Fletcher to the town of Westchester, 16 April, 1696. 18 *large pages*. *Endorsed*, Recd. 28 Dec., 1698, from Mr. Weaver. [*Board of Trade*. New York, 8. Nos. 23, 23 1.-xx.; and (*without enclosures*) 53. pp. 193-204.]

Nov. 12. 989. Abstract of the preceding letter of Lord Bellomont. 2 pp. [*Board of Trade*. New York, 8. No. 24.]

Nov. 13. 990. Commodore Norris to Council of Trade and Plantations. H.M.S. I enclose particulars of such information as I could obtain in Winchester, Newfoundland. I think that if the merchants adventurers have Cadiz Bay. the preferable encouragement before the planters and boat-keepers it would make the trade most beneficial for England, they making yearly returns of their labour. For, if the planters and boat-keepers should have encouragement to induce them to reside in Newfoundland, they would have such an advantage of the shipping that in a short time the shipping, instead of making their voyages themselves, would be forced to buy, and instead of a return to England the country, like other Colonies, would be of little use but to itself. But if the yearly Adventurers were encouraged I think that the

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shipping would increase; for some of the planters and boat-keepers have told me in discourse that if the shipping should be encouraged before them, they must endeavour to be masters of ships themselves, and you know best which is most advantageous for England. I had some doubts as to sending you a letter herein copied, on account of its compliments to myself, but I do so on account of its giving a relation of a part of Newfoundland seeming very advantageous for England. *Signed, Jno. Norris. 1 p. Endorsed, Recd. 2 Jan. Read 6 Feb., 1698-9. Enclosed,*

990. 1. Answer to the Council of Trade's heads of enquiry as to Newfoundland. (2) The Colony cannot subsist itself, for it produces nothing. New England supplies it with rum, molasses, some provisions and tobacco; great quantities of liquor have lately been imported from Spain and Portugal and this year also from France; all of which liquor has been very prejudicial to the Adventurers by debauching their men, so that they could not make the voyages which they would have made owing to the drunkenness of their people. To prevent this and for the general good of trade all ships making voyages to Newfoundland should be obliged to clear from England, and not bring more liquor than should be thought fit to allow for each ship. Of late several ships have come from Spain and Portugal to make voyages, and pretend all to have English owners, but as they make foreign ports their place of clearance at every voyage, by paying off their men there and laying out all the expenses of their voyage there, it deprives the Western ports of England of the benefit of that outlay and prevents the seamen from returning to England. Therefore it would be most for the good of England that all ships trading to Newfoundland should be obliged to make their outset from England each voyage. (3) The inhabitants are destructive to the Adventurers by pulling down the stages in winter and staving the boats, so that the shipping cannot be so forward in the fishing as they. (4) The boat-keepers remain in the country to keep possession of the most convenient room, and are destructive. By keeping their constant stages they encroach (*sic*) most of the room near the water-side, so that the Adventurers are forced to work behind them, which puts them to the expense of one man in five, or at least to hire stage and room from them. This could be prevented by an order that all boat-keepers should be obliged to return yearly or not fish next year, and this would put them on an equal footing with the Adventurers who cannot possess a stage or room except yearly as they arrive. (6) The boat-keepers are wholly supplied with their craft and clothes from England, and most of the provisions are brought from England and Ireland. (7) The country affords no subsistence to the planters but a few fowl in winter, and at Bonavista they

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have a small gain in furs. (8) This is answered in No. 2. (9) See the annexed list. The inhabitants sell at the same price as the Adventurers. (10) The people of New England never exercise the fishing-trade, but generally sell their cargo for money and bills, which makes 25 *per cent.* to them in New England; but if they cannot get them they buy refuge (? refuse) fish and go to the West Indies. (11) Adventurers, while in the country, victual mostly in fish, and at sea give about the same manner of allowance as in other voyages. The men's wages are generally regulated by the shares, which is one-third of the fish and train divided among them. (12) See the annexed list. (13) Those that come passengers to fish generally pay about £3 for their passage out, and a third or a half less for the passage home. (14) The rules of the Western Charter have in some measure been broke into on all sides. It would be a benefit to the Adventurers if they were revived, to prevent any people pretending an inheritance to the stages and room.

Here follows, Copy of a letter from William Cock to Commodore Norris. Bonavista, 1 September, 1698. I am heartily glad that so wise, knowing and judicious a person as yourself has been entrusted with the Government of this country, and I wish you all success. Kindly inform me whether the bread which you spared me last year has been paid for or not, for you may command payment from me. Lieutenant Leigh, who bears this, has been for some time settling the affairs of this harbour which were in confusion, but by his prudent management all is adjusted to general satisfaction. On the north side of this bay are many extraordinary harbours and better fishing. One William Wyng has fished for some years fourteen leagues N.W. by N. of this place, and has still exceeded the inhabitants of this considerably. This year one Nevill has been that way and has more fish for his two-men-boats than those here for shallows, so that next summer several inhabitants of this harbour design to remove thither, as also the masters of ships that have fished here this year, for it is certain that the fewer the boats that are kept in a place the better is the fishing. I tell you this that the power of those whom you send this way to settle affairs may extend as far as Cape Frills, that being the northernmost cape of this bay. If a draught of that place were drawn it would greatly encourage shipping to fish this way, there being many secure harbours and roads, and room for 500 sail. *Letter ends.*

My emissary to Placentia arrived there on 4 September. Walking round the fort he counted thirty-six guns, chiefly eighteen pounders, all facing the harbour's mouth, where he saw also a chain and boom. The inward part of the fort has no guns, being protected on the land side by a

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fort on the hill, in which he saw eight guns facing to the sea ; but one of their soldiers seeing him brought him back to the lower fort and he was not permitted to go to it afterwards. At Bluff Head on coming in are mounted eight guns in two tiers. On the 6th he saw the soldiers mustered and exercised in the fort and counted them to be about eighty, which some of the inhabitants told them was their number. There was a French man-of-war of about fifty guns and about thirty sail of merchantmen ; the inhabitants said that about twenty more had gone to market, the catch being 300 quintals or upwards to a boat, which is about what our ports have made this year. The man-of-war was bound to the Fogo, which is to the northward of our plantation, to sail with their ships ; and the French report that there were as many ships fishing to the northward as at Placentia. These ships generally sail from St. Malo. The French had fourteen sail that fished at St. Peter's Island, three at little Placentia, two at Collonet, five at St. Mary's, and four at Trepassy. They sold their fish at Placentia for twenty-four rials *per* quintal. The ships make their voyages with boats and people as we do, which people generally return with the shipping. There are about twenty-nine families of planters at Placentia, and about 160 people remained there in the winter ; at little Placentia are twelve families, and (according to the information of one who had lived in Placentia) there were with the soldiers about 300 people in the winter. This year every ship was obliged by the King of France to bring one hogshead of lime for every boat they were to keep, for the building of works at Placentia. He saw about 200 hogsheads of lime by the fort of Placentia. The French do not cultivate their land ; their trade, like ours, being wholly fishing.

Thomas Barrington, master of a Boston ship, was stranded close to one point of Placentia bay, and getting off anchored afterwards in the bay in August. He saw thirty sail of merchantmen and heard of twenty more already sailed. The rest were expected to be ready to sail at the end of September. They gave over fishing on the 3rd of August. He was told that in Placentia Fort were thirty guns, and in the fort on the hill eight guns, but was not allowed to go to them. There is another fort on the hill which, he thinks, had no guns. On the point on the larboard side are eight guns. There were two mortars in the fort and a bomb-vessel riding in the harbour. He believes there are about 150 soldiers and 200 inhabitants that remain in the winter. They make their voyages as we do, and some pay by the share and some by the voyage. *Dated, 12 September, 1698.*

Petition of the masters in Newfoundland to Commodore Norris. We daily see great abuses and encroachments

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of inhabitants and boat-keepers on ships' fishing room, especially in this harbour. We beg you to give the necessary instructions to the inhabitants, and to make such a representation to the Council of Trade that the Adventurers may enjoy free liberty of fishing in this country without interruption. (1) The small boat-keepers of our parts fitting out for Newfoundland have the advantage of the Adventurers by taking the choice of the ablest fishermen and shoremen, and before they have made up their complement of men it is very difficult to engage an able fisherman or shoreman, the reason being that they live somewhat easier with them, not being obliged to do any ship-work, but only to do the labours of the voyage, and so rest in time when it is not weather to work about the fishery. Frequently when we have brought a landman with us a voyage or two, we find that they engage themselves with the bye-boat-keepers, whereby they seldom or never become sailors, neither we nor our officers having any command over them on the passage. (2) These bye-boat-keepers in England generally choose the best sailing-ships so as to gain their passage sooner, and if they reach the country early they place themselves in the best and most convenient places by the water-side, whereby later ships are often obliged to hire both stage and room from them and to carry their fish so far backward that we are forced to allow a man more to every boat than they, besides the inconvenience in making our fish, the disadvantage to our owners and the discouragement to our crews. (3) These boat-keepers are so numerous "that when as we would go on for the keeping a considerable quantity of boats in order for the catching our ship's lading, we often pass with a great deal less number of men, by which means instead of catching our lading we are obliged to make use of our owners' credit to buy our lading from the boat-keepers, otherwise must go dead freighted." (4) This present year many of the boat-keepers have resolved to stay in the country, and if this be tolerated we must expect the best places for stage-room in this harbour to be possessed by them, so that we cannot expect to find convenient room for our ships another year. Commonly when they leave the country they make sale, as they call it, of their plantations, and so pass them from one to another as their own land. So likewise the likeliest young men for the King's service, when there is most occasion for them, absent themselves in the woods till the men-of-war are sailed and so remain in the country or go to New England, where they bestow themselves most out of the way for serving their country. This is chiefly occasioned by their masters, the boat-keepers, to save the charge of their passage home, though the cost is never above half or two-thirds of a passage outwards. (5) The people

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who stay in the country for the winter always take care to build their stages and houses much larger than is really necessary for the crews they keep, and so make their advantage on the later comers by exacting in the highest degree. We have known from £5 to £15 given this year for a boat's room in this harbour, which we believe to be no other then selling the King's land, to the great abuse of the Merchants-Adventurers. (6) "Some here are passing by the name of Planters now in possession of room as they would have called Patent-room, although contrary to our ancient charter, which room although cannot occupy themselves yet yearly make encroachments further which they set out to hire, making great benefit thereby to the cost of our employers in England, for prevention of which no liver ought to build a stage on any ship's room but ships' crews only." (7) Traders from New England are constantly bringing great quantities of liquor from thence and from the Caribbee Islands, whereby our men are debauched and are encouraged to steal and embezzle from their masters much of our fishing craft and other necessities, to our great loss and hindrance. By such means, too, men extravagantly spend great part of the money which should support their families in England. (8) We beg that for the future all unfree ships may be debarred from trading in Newfoundland, for in justice to our nation, traders to these parts should not only be free ships but such as are like to clear and fit out yearly from England, which will much promote our fishery. King, merchant and tradesman will then wholly reap the benefit of our labours and not foreigners and unfree ships, as we now yearly see. At least one-fourth of the ships here come from Spain and Portugal, supplying the land with all manner of necessities, selling them cheaper than our owners can afford and returning with their cargoes of fish, and glutting the market abroad. Their merchants living on the spot can generally undersell our Merchants-Adventurers, whereby our owners are much discouraged. To prevent this, no ship whatever ought to make a second voyage to Newfoundland without returning to England to clear. *Signed by fifteen masters.*

A Relation taken by Captain Norris from people who had fished to the Northward. Thomas Weymouth, who was taken prisoner by the French in 1693, deposed to being carried to a port called Grand Callery, when the French told him that in time of peace they had from eighty to one hundred sail that made fishing voyages between Charles Straits and Cape Frills. They carry boats and people with them and leave no inhabitants behind at the end of the season. In this bay there are thirty-two places where they fish and ride their ships, all open to the sea except Flower de Luce, which has a

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narrow entrance and a very fine harbour with room for two or three hundred sail. The ships never try to be there before the 1st of June, as the ice lasts longer there than elsewhere, and leave on the 1st of September. Their fishing is very plenty and lies nearer to the shore than in many of our ports.

Thomas Mitchell, master, was taken by the French and carried into White Island, about sixteen leagues north of Cape Frills, in 1697. There were no more ships in that place, but there were accounts of thirty or forty sail making fish in the several ports. The Frenchmen arrived on 27 June, and left about 10 September, with a cargo of 3,000 quintals. The French said that in time of peace they used to fish about sixty sail annually in those ports. They left no inhabitants behind them, partly for fear of Indians. *Signed*, Jno. Norris. *The whole*, 9½ pp. *Endorsed*, Read 2 Jan., 1698-9.

990. II. List of ships, with their ladings, trading to Newfoundland in 1698. Total number of ships, 252; tonnage, 24,318; crews, 4,244; passengers, 935; boats, 532; fish made, 114,770 quintals; fish bought, 157,848 quintals; loaded for return voyage, 265,198 tons; unfree ships, 18. 18 pp. *Endorsed* as No. 1. [*Board of Trade*. Newfoundland, 3. Nos. 126, 126 I., II.; and (without enclosure II.) 25. pp. 263-276.]

- Nov. 14. 991. Memorial of Colonel Collingwood to Council of Trade and Plantations. My regiment being ordered to the Leeward Islands the Lords Justices recommended me for that Government, being now vacant. I beg for your favour herein if the matter come before you. *Signed*, F. Collingwood. *Holograph*. ½ p. *Endorsed*, Recd. Read 14 Nov., 1698. [*Board of Trade*. Leeward Islands, 5. No. 125.]

- Nov. 14. 992. Governor the Earl of Bellomont to William Popple.
New York. I admire that I receive no orders from your Board. It is a great discomfort to moil in business here and send such information to the Council of Trade and receive no return all this time. For want of orders I have not been able to go to Boston; I beg you to inform their Lordships that I shall not know how to move thither in the spring for want of a man-of-war. There is no going by land, and I am not willing to hazard, except in a stout ship, a voyage upon a coast so dangerous for north-west winds that often carry a ship far out to sea. Let me advise your sending packets either towards winter or towards the end of winter by way of Barbados and Virginia, as was done in Sir Edmund Andros's time here. Except in the dead of winter sloops come here from Barbados every month in the year, and two or three months in the beginning of the year ships come from England to Boston or to this place. *Signed*, Bellomont. *Postscript*.—I send copy of a letter which reached me yesterday. Please show it to the Council. It shows the madness of the people because I look sharp after their trade

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and pirates and pirate-ships. Smith is the pirate whose treasure was seized in Boston last summer to the value of £2,300. $1\frac{1}{2}$ pp. *Endorsed*, Recd. 28th, Read 30th December, 1698. *Enclosed*,

992. 1. Copy of a letter from Thomas Jones to Jacob Jones. I am heartily sorry to hear of your great loss of money, but trust in God and He will help you. As to the money you left with me, to buy land, I have paid the money and got a bill of sale for you. Our Government is turned upside down. Bellomont plays the devil with all them in commission. Colonel Willett and Mr. Harrison are both out of place. Bellomont has had most part of the country up over the barrel of money. I have been up before him and likely to be in trouble about it. 1 p. *Enclosed*, Recd. 28 Dec., 1698. [*Board of Trade*. New York, 8. Nos. 25, 251.; and (without enclosure) 53. pp. 208-210.]

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Whitehall.

993. William Popple to the Agents for Jamaica. The Council of Trade desires you to submit the names of some few persons whom you judge most proper to fill vacancies in the Council of Jamaica, and in particular to give them some opinion of the qualifications of Colonel Charles Sadler. [*Board of Trade*. Jamaica, 56. p. 240.]

Nov. 15.
Whitehall.

994. John Povey to William Popple. The letter copied below has been sent to Secretary Vernon by Mr. Blathwayt, and is now sent to you for the information of the Council of Trade. $\frac{1}{2}$ p.

Copy of a letter from the Attorney-General of New York to William Blathwayt. New York, 19 Sept., 1698. The seeds of strife which Lord Bellomont found sown among us to render his Government uneasy are grown to such maturity that they threaten its dissolution. All the old loyalty and well affection of the province are extinguished; and the humour now running among the most eminent of our people and which has overspread the whole province is that nothing could be more advantageous to it than the abolition of the revenue, the pretext being the hardships under which New York lies, whereas the adjacent provinces are free. This doctrine is very taking with the people in regard of the advantages gained by some of them since the bolting of flour was taken from New York city, and the mercate thereof placed at every planter's door. They therefore infer that if the revenue were extinguished there would be no need of a port at New York and that thus they would be able to pursue their unlawful trade and reduce the Government to anarchy. Lord Bellomont discourages these pernicious principles with great prudence and courage, but cannot prevent the clamour of the people, who look upon his strictness in suppressing unlawful trade and piracy as an injury. The pride of some who have enriched themselves by these means has generated such stubbornness and rage that they have taken upon themselves to misconstrue Lord Bellomont's actions and by false glosses endeavour to embody their misconstructions into malicious charges against him, valuing themselves mightily upon their influence at Court. You will have

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received Lord Bellomont's report of his measures for the peace of the Government, which I doubt not will be approved by the King. Colonel van Cortlandt has considerably improved the revenue by his care and diligence, for owing to the late negligence it had become of little value notwithstanding the sensible increase of trade. I accompanied Lord Bellomont to Albany, who though much afflicted with the gout resolved to undergo all misery rather than lose touch with the Indians. He found them at first very sour and much concerned for the loss of ninety-four of their people by the French Indians since the declaration of peace; but by prudent management he soon reclaimed them, so that though weary of the war and much frightened by the threats of the French they have promised only to treat with the French at Albany. Count de Frontenac contends that they are not included in the peace and will not admit them to be English subjects; but the King has the same title to them as to New York. They have always been esteemed his subjects and have fought manfully for us, but if the French prevail to make them acknowledge their sovereignty this and the adjacent Colonies will be in great danger of ruin. It is therefore of great import that the French be required to desist from their pretences, or a standing force will be necessary to repel any attempt of theirs to reduce the Indians to allegiance. Lord Bellomont has sent Captain Schuyler express to prohibit the French motion into the Onandaga country, which they have threatened to invade; and report goes that Count de Frontenac has advanced as far as Montreal with a considerable force. I hope that the express may meet him and prevent his further advance. I had hoped on my return from Albany to have found that those gentlemen, who had been misguided from their duty to the King, would have repented and returned to their former loyalty, but I am told that on the contrary they have herded together against the Government and composed some false representations to injure Lord Bellomont at home; but I cannot believe that they will be able to stain his reputation by such articles. He has found such coldness and disaffection among those whom he found in commission that I apprehend he will have to supersede them by others of greater loyalty. The contagion of disaffection and disloyalty is so great that without such a reform it will be impossible to continue the revenue and restore the people to their former good affections. The change in the revenue will show you the extent of the late corruption, the receipts for six months since Lord Bellomont's arrival being equal to those of a year before. He has acted with caution and justice and nothing has moved him to censure but downright disloyalty. I shall not be wanting to do all in my power to further his objects. *Signed, Ja. Graham.* 2½ pp. *The whole endorsed,* Recd. 15th, Read 16th Nov., 1698. [*Board of Trade.* New York, 8. No. 26; and 53. pp. 91-96.]

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995. Minutes of Council of Montserrat. A runaway negro, having been recaptured after three months, was condemned to be hanged, drawn and quartered; compensation of 8,500 lbs. of sugar being paid to his owner. The new Assembly, eight members, presented John Scott as their Speaker, who was approved. [*Board of Trade.* Leeward Islands, 64. p. 536.]

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Nov. 15. **996.** Journal of Assembly of Barbados. Order for preparing a new bill as to provision for white servants. The bill for a duty on imported liquors considered and passed. The Controller's fees fixed at $1\frac{1}{2}$ per cent. Thomas Sadleir elected Treasurer. Resolved that the arrears collected by the late Provost Marshal be taken for the public use. Order for a bill to be prepared empowering the Treasurer to sue for and recover debts though the Excise Act shall be expired. Two petitions for rebate of duty. The Supplemental bill for provision of white servants passed. [*Board of Trade. Barbados, 65. pp. 322-324.*]
- Nov. 15. **997.** Minutes of Council of Maryland. A letter from Sir Edmund Andros was read to the following effect. If your warrant for apprehending Coode were in force, why was he not arrested when he was with you last spring? Your proclamation seems to be like one of the watch-houses on the Barbary shore, to give notice when the Christians are coming to take them. Order for disbanding the Rangers. Order for a list to be prepared of the officers who have not paid the imposition laid by the Assembly on their offices. Order for the fines levied on Slye, Clark and Mason to be applied to payment of those who brought them to justice. The Attorney-General to report whether Quakers, popish priests, etc., can marry persons without banns or licence, and whether they are not obliged to register births, marriages and deaths. Order for the vestries to see that the laws relating to them are strictly enforced. [*Board of Trade. Maryland, 13. pp. 661-663.*]
- Nov. 15. **998.** Journal of General Assembly of Massachusetts. Adjourned owing to thin attendance of Representatives.
- Nov. 16. The Governor acquainted the Representatives with the report of the gentlemen employed to negotiate with the Eastern Indians, and that the Indians insisted on the return of their prisoners. He also informed them of the pretensions of the French and of his letter to Whitehall thereupon, and recommended the supply of the Treasury, the lessening of the soldiers on the frontiers, some recompense to the Agents in England and the appointment of a day of thanksgiving.
- Nov. 17. Bills to suppress rogues and vagabonds read. Proposal to amend the clause in the Polygamy Act, wherein people are allowed to marry again if their husband or wife has been absent seven years, reducing that term to less in some cases.
- Nov. 18. The 15th December appointed as a day of thanksgiving. The question of opening a Court of Chancery was postponed till next week. The dispute between Topsfield and Salem village dismissed.
- Nov. 19. An Address to the King as to the late order concerning the power of appeal of Customs officers to the King and Council was approved and signed. [*Board of Trade. New England, 48. pp. 255-258.*]
- Nov. 16. **999.** Journal of Council of Trade and Plantations. Representation upon the Acts of Massachusetts agreed on, and orders given as to the supply of copies thereof, as to printing the Acts and as to sending a complete set to the office of the Board.

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The Secretary was ordered to desire the Solicitor-General to hasten despatch of the Acts of the Leeward Islands in his hands.

Mr. Graham's letter to Mr. Blathwayt of 19 September read, and order given that a copy be kept.

Mr. Blathwayt's letter of 8 October last, relating to French trade-regulations, was ordered to be preserved among the records.

Sir Thomas Laurence, sending a duplicate of Governor Nicholson's letter of 13 March, 1697, respecting William Dent, was acquainted of the answer written thereupon.

Lord Bellomont's letters of 14 and 16 September with their enclosures read. Resolved to represent to the King the state of the Five Nations.

Nov. 17. Sir Bartholomew Gracedieu submitted a list of names for the Council of Jamaica. (*See next abstract.*)

Lord Bellomont's letter of 21 September and its enclosures read.

Nov. 18. Memorial of the Attorney-General of New York to Lord Bellomont as to ports in New Jersey, dated 30 June last, was presented and read. Deposition of William Teller as to the English sovereignty over the Five Nations read. Agreed to make a representation as to sending ships of war to New York, and as to ports in New Jersey.

Governor Nicholson's letter of 20 August last from Maryland read. [*Board of Trade. Journal, 11. pp. 284-289.*]

Nov. 17. **1,000.** List of persons recommended by Sir Bartholomew Gracedieu for the Council of Jamaica. Emanuel Morton, Colonel Modyford Freeman, Captain Thomas Hudson, Charles Kent. These are very worthy men and well affected. *Signed, Bartho. Gracedieu. ¼ p. Endorsed, Recd. Read 17 Nov., 1698. [Board of Trade. Jamaica, 8. No. 99; and 56. p. 241.]*

Nov. 17. **1,001.** Minutes of Council of New York. Mr. Ducie Hungerford reporting that he had doubts concerning the trial of the vessels Swift and Concord, the question was referred to the Chief Justice and Attorney-General. [*Board of Trade. New York, 72. pp. 161-162.*]

Nov. 21. **1,002.** Journal of General Assembly of Massachusetts. The Rogues' bill was read and amendments proposed.

Nov. 22. Petition of Thomas Hinckley read, and resolved that his case be not re-heard by this Court. Address to Lord Bellomont, praying him to hasten his coming, agreed to, and concurred in by the Representatives. Rogues' bill again read. On the motion of the Representatives a bill to regulate ship-building was read a first time. A vote of thanks from the Representatives to John Nelson was agreed to.

Nov. 23. Rogues' bill again read and sent down for concurrence. Vote of the Representatives for an allowance to William Habberfield agreed to. Bill from the Representatives as to release of three Indians in exchange for English prisoners read and debated.

Nov. 24. Bill for keeping watch in towns in time of peace read. Two votes of the Representatives for payments to ministers agreed to.

Nov. 25. Resolutions of the Representatives as to certain payments, and as to the appointment of a committee to settle the bounds of certain

1698. towns, agreed to. The additional bill to the Polygamy Act read a first time. Debate on the question of exchanging prisoners with the Indians. A committee appointed to draw up a bill about a Court of Equity.
- Nov. 26. The additional bill to the Polygamy Act was read a second time and sent down for concurrence. Bill as to town-watches read a third time and sent down likewise. [*Board of Trade*. New England, 48. pp. 258-263.]
- Nov. 22. **1,003.** Minutes of Council of Maryland. Order to proclaim the sitting of the Court of Appeal on 23 February. Order for the vestries to levy their rate for the support of the poor this year, as there is no county levy and the burden will therefore be the less felt. Order for copies of the public levy to be affixed to every County Court-house door that all may see how the money was disposed of. [*Board of Trade*. Maryland, 13. pp. 663-664.]
- [Nov. 22.] **1,004.** List of the present Councillors of Jamaica, and of persons recommended to fill vacancies in the Council. For the list see No. 890 n. Persons recommended, Modyford Freeman,^a William Hall, John Walters,^a John Bonner,^a Thomas Hale,^a Samuel Phelps, Michael Houldsworth. *Inscribed*, These lists were given to the Secretary by Colonel Broughton by Mr. Heathcote's order. On 1 December Mr. Heathcote recommended the four persons marked^a. 1 p. *Endorsed*, Recd. 21, Read 22 November, 1698. [*Board of Trade*. Jamaica, 8. No. 100; and 56. p. 241.]
- Nov. 22. **1,005.** Journal of Council of Trade and Plantations. Governor Nicholson's letter of 12 September from Maryland, with part of its enclosures read.
The Secretary laid before the Board a full list of the Council of Jamaica and the names of those recommended for the Council by Mr. Gilbert Heathcote (*preceding abstract*).
Colonel Quarry's letters of 6 and 16 September read. Agreed to take the affairs of Pennsylvania particularly into consideration.
- Nov. 24. The heads of complaints against Colonel Fletcher for his conduct in the Government of New York were agreed on, and order given for him to attend on Monday next.
Order for the Secretary to write to Mr. Heathcote about persons to fill vacancies on the Council of Jamaica, and for copies of the laws of Jamaica lately printed.
Letters from the Treasury to the Colonies to give credit to Admiral Benbow received and ordered to be entered.
Representation upon the laws of Massachusetts signed. [*Board of Trade*. Journal, 11. pp. 289-292.]
- Nov. 23. **1,006.** Minutes of Council of New York. On the complaint of Colonel William Smith it was ordered that no private boats shall board incoming vessels until the Custom-house officer has been aboard, and that a proclamation be published to that effect. The Governor reported that he had news that the ship Hester was about to sail from Amboy without clearing at New York. The Council resolved that orders be given to seize her and bring her into New York. The petition of the soldiers at Albany for bedding was read,

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and order given to Robert Livingston to provide the same. Order for a proclamation requiring the Justices in each county to administer the oath, test and association to all persons in their counties, and to return the names of those who have accepted the same.

Nov. 24.

The question of the privileges of New York against Amboy were again considered, and orders were given to seize the ship *Hester*, and for a sufficient force of soldiers to be present to enforce the seizure under Captain Peter Matthews. Instructions of the Governor to the said Captain Matthews. [*Board of Trade*. New York, 72. pp. 162-168.]

Nov. 24.

1,007. Heads of charges relating to Governor Fletcher's administration at New York, delivered to him at the Board, 28 November, 1698. (1) That he accepted £700 to permit the ship *Jacob*, returning from a piratical voyage, to come up to New York, and to grant the crew protection. (2) That he prevailed with the Council to consent thereto under colour of allowing the said pirates the benefit of an Act of New York, to which they were not entitled. (3) That in consequence thereof the ship came up to New York and was accepted by him as a present and sold by him for £800. (4) That he granted protections to other pirates for money. (5) That there is no mention of securities given in the said protections, and that none of the persons so protected appear to have been prosecuted for piracy. (6) That in 1696 he released a chest of money which had been seized from one Rayner, a pirate. (7) That Edward Coates, the pirate, asserted that it cost him £1,300 to obtain Colonel Fletcher's protection. (8) That he granted commissions as privateers to Tew, Hore and Glover, though they had no ship at New York, and spoke openly of making piratical voyages. (9) That he was intimate with the pirate Tew, and received money for the aforesaid commissions. (10) That he granted a like commission to Thomas Moston of the ship *Fortune*, though intended only for illegal trade. (11) That the bonds which he took from the said pirates on giving them commissions were inadequate, and that one of them was tampered with by his Secretary. (12) That he connived at illegal trade, whereby the revenue of New York has been diminished though the trade has increased. (13) That he granted away vast tracts of land without laying any obligation on the grantees to improve the same or prosecuting them for not improving it. (14) That he granted away a large tract of the Maquas' land without their consent, also the King's Garden and the King's Farm, making it impossible to reward future good service with the gift of land. (15) That he neglected the King's forces and drove them to desertion by deducting a halfpenny a day from their subsistence, and by stopping their subsistence when they were allowed to work; also that he wronged them of the additional fourpence a day voted by the country, and sent home false muster-rolls. (16) That he neglected the fortifications on the frontier, and did not demolish Cadaraqui as desired by the Indians. (17) That he granted letters of denizenation to one Nodin, a Frenchman, in such extensive terms as to be contrary to the intent of the laws of England. (18) That he neglected to write to the Governor of Canada

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when he sent him notice of the conclusion of peace, which was regarded by the said Governor as a slight. *Draft. 5 pp. Endorsed, 24 Nov. Delivered to him 28 Nov., 1698. [Board of Trade. New York, 8. No. 27; and 53. pp. 102-107.]*

Nov. 24.
Whitehall.

1,008. Council of Trade and Plantations to the Lords Justices of England. Upon the Acts of Massachusetts passed from February, 1695, to September, 1697 (*full list given*), we recommend as follows. Two Acts, the one supplementing, the other reviving an Act of Courts, which has been repealed, should be repealed also. The Act that all persons not being free-holders or settled inhabitants shall give security before process of law be granted, seems very partially favourable to the inhabitants and injurious to strangers, for a stranger before commencing suit must give security such as no stranger could produce. The merchants are sensible of the mischief of this; and we advise that the Act be repealed. There is a reviving Act which continues, among others, an Act for a Post Office which has been repealed. We think this Act also should be repealed. The Act for establishing Courts provides that all issues shall be tried by a jury. This is directly contrary to the recent Act to regulate the Plantation Trade, which provides that offences against the Acts of Trade shall be tried in the Admiralty Court, where there is no jury. We have advised the erection of Admiralty Courts in the Colonies; and we therefore recommend that this Act be repealed. An Act to incorporate Harvard College was formerly repealed because no power was reserved to the King to appoint visitors, and it was intimated that the Act would be passed if a clause were added giving a power of visitation to the King and to the Governor of the Province. Now the present Act to incorporate the College vests the power of visitation in the Governor and Council, and we therefore recommend that it be repealed. The remainder of the Acts may, we think, be confirmed. *Signed, J. Bridgewater, Ph. Meadows, Jno. Pollexfen, Abr. Hill. [Board of Trade. New England, 37. pp. 42-55.]*

Nov. 24.
Whitehall.

1,009. Order of the Lords Justices of England in Council. Approving the representation of the Council of Trade of this date as to the Acts of Massachusetts and ordering accordingly. *Signed, John Povey. ½ p. Endorsed, Recd. Read 3 Jan., 1698-9. [Board of Trade. New England, 9. No. 43; and 37. p. 89.]*

Nov. 24.
Whitehall.

1,010. Order of the Lords Justices of England in Council. Confirming thirty-one Acts of Massachusetts (titles given). *Copy. 3 pp. Endorsed, Recd. 3 Jan. Read 2 Feb., 1698-9. [Board of Trade. New England, 9. No. 44; and 37. pp. 121-124.]*

Nov. 24.
Whitehall.

1,011. Order of the Lords Justices of England in Council. Disallowing six Acts of Massachusetts. *Copy. 2 pp. Endorsed, Recd. Read 3 Jan., 1698-9. [Board of Trade. New England, 9. No. 45; and 37. pp. 90-91.]*

Nov. 24.

1,012. Memorandum of copy of a circular letter to Lord Bellomont from the Treasury as to giving credit to Admiral Benbow. *Recd. Read 24 Nov., 1698. ½ p. [Board of Trade. New England, 9. No. 46; and 37. p. 42.]*

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Nov. 24. **1,013.** Circular letter from the Lords of the Treasury to the Governors of New England, New York, Virginia, Jamaica, Barbados and the Leeward Islands. The King has thought fit to send a squadron of ships under the command of Rear-Admiral Benbow to the West Indies for the security of those Colonies. Upon the application of Rear-Admiral Benbow or the Commander-in-Chief you will cause him to be furnished with such a sum not exceeding [£3,000 for Barbados, £500 for the Leeward Islands, £2,000 for New York, Massachusetts and New Hampshire, £500 for Virginia] as he shall require; and upon his drawing bills on the Commissioners of the Navy or the Victualling Board and your attesting the said bills, care will be taken to meet the same. *Signed*, Cha. Montague, Steph. Fox, Jno. Smith, Th. Littleton. *Draft*. 2 pp. *Endorsed*, Recd. Read 24 Nov., 1698. [*Board of Trade*. Plantations General, 4. No. 146; and 84. pp. 393-394; also *Board of Trade*. Barbados, 44. pp. 226-228.]
- Nov. 24. **1,014.** Memorandum of the receipt of copies of the above circular for Governor Grey, and the Governments of four more Colonies. [*Board of Trade*. Barbados, 7. No. 73; and Jamaica, 8. No. 101; and Virginia, 6. No. 71; and Leeward Islands, 5. No. 126; and New York, 8. No. 28.]
- Nov. 24. **1,015.** Minutes of Council of Bermuda. The Tobacco Act and Highways Act were passed. [*Board of Trade*. Bermuda, 39. p. 9.]
- Nov. 24. **1,016.** Minutes of Council of Massachusetts. Order for divorce of Rebecca Wansford from her husband, he having another wife living. Leave granted to Henry Hill to build a house in Boston. Order for payment of £10 towards the support of a minister at Stow. [*Board of Trade*. New England, 49. pp. 178-179.]
- Nov. 24. **1,017.** Minutes of Council of Barbados. Bill for impost on liquors read thrice and passed. Supplemental bill to the Act for provision of servants read twice and committed. Order for all retailers of liquor who have not taken out their licences to do so at once, on pain of prosecution.
- Nov. 25. Richard Scott appointed a Commissioner of Accounts, and Thomas Sadleir Treasurer. [*Board of Trade*. Barbados, 65. pp. 379-380.]
- Nov. 25. **1,018.** R. Yard to William Popple. Forwarding Governor Nicholson's letter to the Duke of Shrewsbury of 10 September, with its enclosures. $\frac{1}{4}$ p. *Endorsed*, Recd. 25, Read 28 Nov., 1698. [*Board of Trade*. Maryland, 3. No. 67.]
- Nov. 26. **1,019.** Minutes of Council of New York. Adam Baldrige and another appeared to plead for the ships Swift and Concord, and on the Council's motion agreed that the vessels be first appraised. Sundry petitions read. George Sydenham, escheator, was directed to consult with the Attorney-General as to an escheat. Orders for payment of £50 to the Lieutenant-Governor for the expenses of his

1698. expedition to Albany and for other payments. The appraisements of the ships Swift and Concord were received. [*Board of Trade*. New York, 72. pp. 168-171.]
- Nov. 28. **1,020.** Minutes of Council of Massachusetts. Order for payment of £72 for the expenses of the gentlemen sent to wait upon Lord Bellomont.
- Nov. 30. Licence granted for erecting a new meeting-house in Boston of timber, provided that it be slated. [*Board of Trade*. New England, 49. pp. 180-181.]
- Nov. 28. **1,021.** Journal of General Assembly of Massachusetts. Bill to create Framingham township received from the Representatives and read. A petition from Harvard College for encouragement to be given by the Assembly to a vice-president to reside constantly at the College, was read and debated.
- Nov. 29. A proposal of the Representatives as to the impost on wines was read, debated and returned to be perfected in a bill. Several resolutions of the Representatives as to payments, remission of duties, and enquiries as to lands were agreed to. A committee appointed to enquire into one tract of land, and ordered that Sir Henry Ashurst have 1,000 acres therein, if free.
- Nov. 30. A private bill was passed and sent down for concurrence. Poll-tax bill and Impost Amendment bill received from the Representatives and debated. Certain payments voted by the Representatives were agreed to. John Phillips and James Convers appointed to negotiate with the Kennebec Indians.
- Dec. 1. Petition from Harvard College again considered and conference held with the Corporation thereof. Votes of the Representatives for certain payments agreed to.
- Dec. 2. The Polygamy Act Amendment bill and a private bill were passed into Acts. Poll-tax bill again debated.
- Dec. 3. Votes of the Representatives for a payment to John Nelson, and for a salary of £200 to the President of Harvard College agreed to. Bill for a Court of Equity read. [*Board of Trade*. New England, 48. pp. 264-270.]
- Nov. 28. **1,022.** Samuel Allen to Council of Trade and Plantations. Newcastle, New Hampshire. On my arrival with my family on 23 August, I found that Lord Bellomont had not been here with his commission to supersede mine, and hearing that indisposition would prevent him from coming this winter, I took the oaths, published my commission and assumed the Government, to traverse the irregular proceedings and growing insolence of Lieutenant-Governor Partridge and three or four others of the Council. These, without being qualified, have presumed not only to make laws and raise taxes, but have persisted therein and in keeping Mr. Usher in a hostile manner out of the province, notwithstanding the King's and your orders to the contrary in your letter of 3 August. Since my being in the Government, they continue the same, and on all occasions show their aversion to control by any power or laws that come from the King and Parliament; and by all the subtle and designing acts imaginable they infuse into the common people that any power sent from

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England without the recommendation of their champion, Sir Henry Ashurst, aims at their ruin. This brings the King's authority into such contempt that none will give help for the King's service unless commended by four or five men who (they say) have a mandate from Heaven to live and let live all men in this province at discretion. If you find it necessary to send for these four or five men to reward them according to their merits and to order me or Lord Bellomont to send home evidence against them, then, and not till then, will obedience be paid to the King's authority, Acts of Parliament and the Acts of Trade. *Signed*, Samuel Allen. *Holograph*. 1 p. *Endorsed*, Recd. 30 Dec. 1698, Read 6 Feb., 1698-9. [*Board of Trade*. New England, 9. No. 47; and 37. pp. 132-133.]

- Nov. 28. **1,023.** Journal of Council of Trade and Plantations. Colonel Fletcher received a copy of the charges against him, to answer the same in writing.

Mr. Yard's letter of 25th inst., with a letter from Governor Nicholson to the Duke of Shrewsbury read (No. 1,018).

An anonymous letter from Jamaica, dated 30 July, was read (No. 711). Laws of Jamaica considered, and order given for a representation to be drawn thereupon.

- Dec. 1. Order for Lord Bellomont to be informed in the next letter to him of the exception of William Kid from the pardon offered to pirates.

Mr. Gilbert Heathcote attending, said that he had written to Jamaica about Sir James del Castillo's private Act, but had received no answer. He also suggested four names of persons suitable for the Council of Jamaica, but added that none of the gentlemen lately come from thence recommended Charles Sadler. [*Board of Trade*. Journal, 11. pp. 292-296.]

- Nov. 29. **1,024.** Minutes of Council of Antigua. Henry Symes sworn Register under the new Act. [*Board of Trade*. Leeward Islands, 64. p. 286.]

- Nov. 29. **1,025.** Minutes of Council of Barbados. Supplemental bill to the Act for provision of servants read a third time with amendments and sent to the Assembly. The Governor at the same time recommended them to provide for the expense of the Grand Sessions. Major Garth's petition read, on which the Governor agreed to advance him £200 for the subsistence of his company, on his giving bills on the Paymaster-General. The Council offered to bear their proportion of the charge if the bills were not met. At the Assembly's request a conference was held on the Supplemental bill concerning servants, which bill was passed with the Assembly's amendments. Order for copies of all Acts to be sent in future to the member of Council or eldest Assemblyman in each parish. [*Board of Trade*. Barbados, 65. pp. 380-381.]

- Nov. 29. **1,026.** Journal of Assembly of Barbados. The Assembly received a bill and a recommendation from the Governor (*see preceding abstract*). Committee appointed to consider the business of

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Grand Sessions. Conference held on the bill as to white servants, and the bill passed with certain amendments and read to Council. [*Board of Trade*. Barbados, 65. pp. 324-327.]

Nov. 30.

1,027. Minutes of Council of Bermuda. The Act against piracy and some temporary Acts were passed. *Note.* The Assembly adjourned on the 2nd of December. [*Board of Trade*. Bermuda, 39. p. 9.]

Dec. 5.
Jamaica.

1,028. Governor Sir William Beeston to Council of Trade and Plantations. Since mine of 13 October the Act for settling the Royal African Company has reached us, at the end whereof is a clause that no Governor, Lieutenant-Governor nor Judge in any Court shall be factors for them or for any others in the sale of negroes. This has put us in such disorder that I see nothing but that law and justice must cease among us and therewith the King's authority, if there be no officers to support it. Several of them have resigned already, and the rest, when they please, will make it an argument that they serve in those offices for no reward, and therefore not knowing how soon their friends in England may consign them a ship of negroes, they will not part with that which is a sure profit for that which is nothing but trouble and expense. Besides it frightens them all that an information shall lie against them in Westminster Hall, where any envious people may inform against them and judgment may be given against them before they know of it, which no man will hazard. Withal they say that it is against Magna Charta that a man should be tried anywhere but by his neighbours where the fault was committed, and not by strangers at such a distance. Neither was it considered that we have but few people, and of these still fewer fit to make judges and justices, so that in all appearance it must ruin the place and authority. I beg your assistance for redress herein. The Captains of the *Sindado*, *prize*, and of *H.M.S. Maidstone* are both dead, as well as several of their men. I can impute the cause to nothing so much as that, knowing that no one has any great authority over them, they do what they please; for after both of them receiving orders to go to sea, which would have preserved them and their men, they stayed on their own instructions or pleasure; by which they and their men got too much drink and brought the fever among them. Now, they are pretty well again, the sickly season being over, and are commanded by the Lieutenants, there being no power here to make officers, but as they follow one another in course, about which they do not agree, so that the King's service suffers thereby. I am forced to put soldiers on board them to supply their want of men, and send the *Sindado* after a pirate commanded by one Bourke, an Irishman, who lies about the *Isle des Vaches* and has taken several of our traders bound thither. From thence she is to sail to *St. Domingo* to demand restitution of a vessel of this island which the Spaniards have carried in there. I have already sent to the Governor of *Carthagena* about another which was carried off by the *Barlovento* fleet, but they put me off, as they always do, and make no reparation for any injury, which they never fail to do us when they are strong enough

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to overcome those whom they meet of our nation. The Maidstone I am sending to Mons. Ducasse to demand why Kelly (who is at liberty there and a great man among them) is not punished for piracy since the peace, and obliged to make restitution. I have told Mons. Ducasse that if I am denied I must lay the complaint before the King and Council, and I will send you his answer by first opportunity. From thence the Maidstone will proceed to Providence to demand of the Governor a vessel and cargo worth £3,000 which some of his people by his commission (as I am informed) took, carried away to Providence and there condemned. Thus we are beset and have our ships captured by Spaniards, French, English and pirates; our hands are tied from making any reparation, and to complain to Spain costs more than it is worth, so that it is no booty for any one that has suffered to try that remedy. I send copies of my letters to the Governors, and beg you to move the King to empower me to detain on such occasions for satisfaction, else it will be very uneasy to all the people here.

The Assembly are sitting and have passed an Act in Mr. Tyrrell's favour far beyond his deserts from this country, where he has in all things been refractory enough. They have also continued the duties on imported wines and exported negroes, though for eight months only. I hope they have further considerations about it, else I should have rejected it, but I consider it as so much money gained to the public and believe they will continue it, though after eight months they design, I think, to appropriate it towards the payment of the losses which several sustained in the war. The Scotch fleet is arrived at Darien, into which bay one of our sloops saw them sail. If they settle there and are healthy, the noise of gold (of which there is great plenty in those parts) will carry away all our debtors, servants and ordinary people in hope of mending their fortunes, and will much weaken what little strength we have. The season for making sugar approaching, the Assembly have desired a recess, and I have adjourned them to the 11th January. Before they rose they passed an Act to quiet people's possessions, and another in which they have showed their respect and gratitude to me by making me a present of £1,500, and declaring the reasons that moved them to it. This is their spontaneous act without any motion from me nor from anyone for me, by which they have declared their satisfaction in me, and therefore I hope that, being done by the body of the country, it may silence the envious allegations of those who are lately gone to England to traduce me. I am sending a copy of the Act to Mr. Popple, and beg your favour to obtain the King's leave for me to receive this mark of the country's respect. The adjournment of the Assembly being short, I hope that when they meet again they will soon finish what they have to do, and I am not without hope that I may prevail with them to pass the bill for the revenue indefinitely, as it was done in the Duke of Albemarle's Government, and now lies before you not yet passed by the King. I will send all Acts passed as soon as possible. I intend to move the Council for the erection of two large store-houses at Kingston for the reception of such things as may be sent for the King's ships. I doubt not to obtain their concurrence therein, and

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in anything else that is for the King's service. *Signed*, Wm. Beeston. *Holograph*, 2½ pp. *Endorsed*, Recd. 18th, Read 28th Feb., 1698-9. *Enclosed*,

- 1,028. i. Governor Sir William Beeston to the Governor of Carthagena. 17 September, 1698. I send this ship-of-war with this letter in the hope that he may meet the Barlovento fleet at Carthagena and acquaint you that they have carried away a small vessel from Carolina, which was returning thither from Jamaica. For what reason she was seized on the high seas at a time of peace I cannot see. It looks so like piracy that if I meet with any of your people that deal so with English subjects I shall hang them as such. I desire you to restore the vessel, otherwise I shall not only complain to England but shall order the King's ships to detain any Spanish ships that they meet, until satisfaction be given me. *Copy*. 1 p.
- 1,028. ii. Governor Webb to Charles Hobby, merchant of Port Royal. New Providence, 19 October, 1698. A brief note about a missing vessel commanded by one Edwards. *Holograph*. 1 p.
- 1,028. iii. Governor Sir William Beeston to Governor Webb. Jamaica, 11 November, 1698. By singular providence John Edwards has arrived here. His brigantine was chased by some of your island, who captured her, took her to Providence and there condemned her. This is piracy, for I never heard that the King had empowered any to give men commissions to rob their fellow-subjects. Edwards goes with this to seek for restitution, and I advise you to make it, otherwise I shall certainly report it to the King and Council. *Copy*. 1 p.
- 1,028. iv. Governor Sir William Beeston to the Governor of the Isle des Vaches. 14 November, 1698. A master of a ship has come in here who tells me that she was taken by a pirate near the Isle des Vaches and that she was carried in there. In that case I hope you have secured her and will restore her, for I cannot think that this piratical vessel is protected by you. Pray then advise the Captain of this present man-of-war where to cruise for her. Some time since you wrote to me that Kelly should be secured and punished. I hear on the contrary that he is at liberty and that neither he nor his booty have been secured. Unless you can prevail that he shall make restitution, I must complain to the Court in England. *Copy*. 1 p.
- 1,028. v. Governor Sir William Beeston to the Spanish Governor of St. Domingo. 14 November, 1698. I send this man-of-war to cruise after French pirates and to enquire as to the Englishmen carried into your port for no reason that I know of. The Barlovento fleet has also taken an English vessel, and I shall be obliged to stop any Spanish ships that I meet with, in satisfaction. Pray explain to me the reason for these violent acts in time of peace. *Copy*. 1 p.

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1,028. vi. Governor Sir William Beeston to Mons. Ducasse. 15 November, 1698. I was told that if Kelly came on your coast he should be secured and obliged to make restitution for his many robberies. He has since taken two of our ships and plundered the pinnace of a King's ship. I ask you again to give me satisfaction for these piracies or I must complain to the Court of England. Finding that many French pirates cruise and harbour about the Isle des Vaches I have sent a man-of-war there. *Copy. 1 p.*

1,028. vii. Act of Jamaica for presenting £1,500 to Sir William Beeston. *Copy. Large sheet.* [*Board of Trade. Jamaica, 8. Nos. 102, 102 I.-VII.; and (without enclosures), 56. pp. 278-287.*]

Dec. 5. **1,029.** William Popple to Thomas Weaver. Enquiring as to
Whitehall. the progress of his solicitations for payment of the forces at New York since his arrival in England. [*Board of Trade. New York, 53. p. 108.*]

Dec. 5. **1,030.** Journal of General Assembly of Massachusetts. Bill to regulate ship-building again read, and ordered to be engrossed; bill for a Court of Equity read, and additional clauses proposed.

Dec. 6. Bill for a Court of Equity again debated. Additional bill to regulate townships read a first time. Bill proposed by the Representatives for the preservation and increase of deer read.

Dec. 7. Poll-tax bill again read and ordered to be engrossed. Bill to regulate ship-building passed into an Act. Impost Amendment bill again read, and alterations proposed. Votes of the Representatives for certain payments agreed to, as also a resolution on a petition from the select men of Boxford.

Dec. 8. Impost Amendment bill read and ordered to be engrossed. Townships Additional bill read and debated. Bill for a Court of Equity sent down for concurrence. A vote of the Representatives for a payment to a chaplain agreed to.

Dec. 9. The Poll-tax bill and Impost Amendment bill were passed into Acts. Deer Preservation bill again read and ordered to be engrossed. Bill to enable Sheriffs, etc., to call in assistance in criminal cases was read and ordered to be engrossed.

Dec. 10. The two bills last named were passed into Acts, also bills for a Court of Equity, and to establish the form of oath for justices. Several payments voted by the Representatives were agreed to, as also their resolutions on two petitions. William Paine appointed Commissioner of Impost. The Assembly was then dissolved. [*Board of Trade. New England, 48. pp. 270-278.*]

Dec. 5. **1,031.** Journal of Council of Trade and Plantations. Order for a letter to Mr. Vernon to acquaint him of the menaces used by Mons. de Frontenac to the Five Nations; and for a letter to the New York Agent to ascertain what care is taken in soliciting the pay of the forces at New York.

Dec. 7. Draft letter to Mr. Vernon approved. Order for Mr. Weaver to be enquired of, as to the English prisoners who refused to return to New York.

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Dec. 8. Letter to Mr. Vernon signed.
Lady Clara Wood's letter of 7th inst. concerning Mr. Samuel Gray read (No. 1,032). Ordered that the information for which she asks shall be given to her.
Copy of a deposition against Nicholas Trott, presented by Mr. Edward Richier yesterday (No. 1,034), was read. [*Board of Trade Journal*, 11. pp. 296-299.]
- Dec. 7. **1,032.** Lady Clara Wood to William Popple. Asking for any information as to Mr. "Samyouell Gray of Vergine," minister, to be sent to her at the lodgings of her husband, Sir Edward Wood, in Somerset House. Signed, Clara Wood. $\frac{1}{4}$ p. Endorsed, Reed. Read 8 Dec., 1698. [*Board of Trade Journal*, 6. No. 72.]
- Dec. 7. **1,033.** William Popple to Thomas Weaver. Desiring to be informed if possible of the number of English prisoners, taken by the French, who refused to return from Canada. [*Board of Trade Journal*, New York, 53. p. 108.]
- [Dec. 7.] **1,034.** Deposition of several persons. That on the occasion of the wreck of a ship, with 74,000 dollars and merchandise on board, Nicholas Trott disarmed the 65 survivors of the crew that came ashore, sent a boat to the ship to bring off all the money and merchandise that could be saved, took it all for himself and his gang, and would not restore to the crew their arms nor suffer them to depart without paying him fifty dollars apiece. Copy. $1\frac{1}{2}$ pp. Endorsed, Reed. from Edward Richier, 7 Dec., 1698. Read 8 Dec., 1698. [*Board of Trade Journal*, Proprieties, 2. No. 39; and 25. pp. 259-261.]
- Dec. 8. **1,035.** Council of Trade and Plantations to Secretary Vernon. We have received letters from Lord Bellomont of 14 and 16 September (No. 822) in which he expresses apprehension lest Count de Frontenac should invade our Indians. On his arrival he sent messengers to the Count with a copy of the treaty and with our French prisoners, asking for the return of our prisoners in his hands. Whereupon the Count ordered the English prisoners to be brought forward, all of whom with few exceptions refused to return, but declined to give up the Indian prisoners, alleging that the Indians had begun a negotiation with him; and when he was told that this negotiation was disavowed by the Nations he claimed sovereignty over the Five Nations for the French, saying that these were his orders and that he must obey them until changed. In July Lord Bellomont had a very successful conference with the Indians, but in August Count de Frontenac refused to give up the Onandaga and Seneca prisoners and threatened to invade four of the Nations unless they sent their Sachems to him within fifty days. Lord Bellomont has promised help to the Five Nations, sent the Lieutenant-Governor with a reinforcement to New York and addressed a remonstrance to Count de Frontenac. It is in our opinion of vital importance to our Colonies that the Five Nations be protected and preserved. Signed, J. Bridgewater, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen, Abr. Hill. [*Board of Trade Journal*, New York, 53. pp. 109-113.]

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Dec. 9. **1,036.** Minutes of Council of Massachusetts. Payment of £4 to John Cooke for various postal services, William Jamison for attending a gentleman to Piscataway to the Commissioners of Excise, of £40 to two persons for their journey to Albany, and of several sums to several persons for their services against the Indians at Hatfield. *Trade.* New England, 49. pp. 181-183.]
- Dec. 9. **1,037.** Minutes of Council of New York. Several persons considered, on which it was ordered that William Felt be before the Council on the 15th inst., and that Mary Felt be heard by John Guest, second judge of the Supreme Court. Lieutenant George Sydenham made a report that he had taken possession of the estate of Thomas Willoughby, which estate was properly escheated to the King, and of it had been disposed of. A committee was appointed to look into the matter. [*Board of Trade.* New York, 72.]
- Dec. 9. **1,038.** Minutes of Council of Virginia. The Council present, besides Lieutenant-Governor Nicholson present, Byrd and Richard Johnson were excused from attending on account of sickness. Charles Scarburgh was absent, having given notice of the meeting. Colonel Nicholson then read the commission as Governor, which was published in the *London Gazette* a state-house. He then took the oaths, and, produced the Council as given in his instructions, swore the members, Harrison and Matthew Page besides the three members. Proclamation to continue all officers in their posts.
- Dec. 10. Several of the Governor's instructions were read and the Council-book. The Auditor was ordered to prepare a list of the public accounts. The Attorney-General was ordered to prepare an oath to be taken by the Council in their capacity. Order for the Royal instruction as to the suing of the Court, published, and for those affecting Dr. Blair to be considered. Order for lists of the militia to be obtained from the Council, for the instructions as to land to be put before the General Court, for the instructions as to quit-rents to be put before the Receiver-General to be sent to Auditor Byrd and Naval Officers to send in copies of their present instructions for the Secretary, Clerk of Council and Clerk of the Court in accounts of the records in their possession. The Court of Exchequer, of a survey of the Colony, and of the Governor's house were deferred. Order for Edmund Jennings to Sir E. Andros and receive from him all letters and orders. Order for Captain Aldred to report on the condition of the forces in Essex, under his command. The Council nominated Benjamin Harrison to take the place of James Oglethorpe incapacitated by ill-health from continuing as Clerk of the Council. The Governor selected Harrison. Adjourned to the 11th inst. [*Trade.* Virginia, 53. pp. 157-162.]
- Dec. 10. **1,039.** The Agent for New York to William Felt to yours of 5th inst. as to the pay of the forces. The pay of each private centinel is 8d., New York 1

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30 *per cent.* worse than English money). From this 2*d.* a day is deducted for clothing, reducing it to 5½*d.* or ½*d.* New York money, or about 3½*d.* English. This makes the soldiers' subsistence so slender that they can scarce live on it, whereupon the Assembly granted 4*d.* a day additional at the country's charge in 1696 and 1697. In those years the forces had no clothing. By agreement with the victuallers Governor Fletcher reduced the subsistence from 5½*d.* to 5*d.* a day, New York money, which was a further hardship on the private centinels, nor (that I can learn) has he accounted for the overplus, which amounts to a considerable sum. He also detained and delayed the payment of great part of the 4*d.* a day granted by the country to the soldiers, who, being without clothing, deserted; whereby all money due to them before their desertion was (as is presumed) converted to his own use. By this desertion Lord Bellomont on his arrival found the companies much thinned, and many soldiers who had not deserted complained of the detention of the country's bounty from them. No pay or subsistence has been paid for these troops from the Treasury for twenty-two months, but the soldiers have been subsisted by victuallers on the credit of the Governors, whereby a great debt has become due to them. The officers had no subsistence till Lord Bellomont raised money on his credit for the purpose, which money Sir William Ashurst seeks to recover from the Treasury on his behalf. On the 12th of October last, I drew up the enclosed memorial to the Treasury on the subject, and since then £500 has been paid to Sir William Ashurst on account, but this sum is still £150 short of that advanced by Lord Bellomont. The Lords of the Treasury have promised me that speedy care shall be taken for the support of the forces and of Lord Bellomont's credit in raising money for them. I daily expect that he will draw more bills, if his credit be not impaired by the delay and short payment of the last bills. I cannot learn what fund is appropriated for the pay of these forces, but I hope that the Council of Trade will take speedy care to secure payment of it, to remove the 30 *per cent.* deduction and to send out recruits. In reply to yours of the 7th inst. as to English prisoners in Canada, I happened to be at New York when Captain Schuyler returned, and, as I gathered, there were ten or twelve young people who, having been converted to the Popish faith, professed themselves unwilling to return. *Signed, T. Weaver. 2 pp. Endorsed, Recd. Read 12 Dec., 1698. Enclosed,*

- 1,039. 1. Copy of a memorial from Mr. Weaver to the Treasury. 12 October, 1698. The forces in New York have not received a farthing of subsistence since January twelve-month, and a large debt is contracted for their subsistence which daily increases on Lord Bellomont's credit with the victuallers. The officers have had but a very small supply of money. Lord Bellomont has given bills to the value of £800. I expect more bills daily, without which the officers cannot live. The Earl pays interest on his private bond for £700 for clothing for the forces over and above the off reckonings received by him; this is so much loss to him till it be discharged by payment of the arrears. The last ships to New York this winter

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sail in eight days; and Lord Bellomont's bills if not paid will be returned protested at 60 *per cent.* loss, besides the damage to his credit in future. Unless money be speedily despatched for subsistence of the men and officers, Lord Bellomont will be in the greatest difficulty to keep the troops from deserting or starving. I beg, therefore, for payment of the subsistence, pay and off-reckonings from 1 January, 1696-7, to 1 January, 1697-8. 1 *p.* [*Board of Trade.* New York, 8. Nos. 29, 29 i.; and (without enclosure), 53. pp. 113-116.]

Dec. 12. **1,040.** Petition of Benjamin Fletcher to Council of Trade and Plantations. I lately received a paper containing the heads of several charges against me. The paper is unsigned and the heads are very short and general, so that I know not my accusers nor what proofs they bring in support of the said charges, which would enable me to save you time and to confine my answers to the manifestation of my innocence. I understand by common fame that in October last you laid before the Lords Justices and Privy Council a very heavy representation against me, but that their Lordships directed that I should be heard in my defence. I beg that I may have copies of all that was so represented against me and of the proofs in support of the charges, without which I shall not be able to vindicate myself. *Signed.* Ben. Fletcher. 1 *p.* *Endorsed,* Recd. Read 12 Dec., 1698. [*Board of Trade.* New York, 8. No. 30; and 53. pp. 117-118.]

Dec. 12. **1,041.** Lieutenant-Colonel Handasyd to Council of Trade and Plantations. I presume that Colonel Gibsone has given you an account of the provisions which he left on board a transport-ship in Newfoundland. As to the three provision-ships that arrived at St. Johns at the beginning of November and the ship John sent by the Commissioners of the Navy, I have already reported to Captain Norris, except as to the amount expended, of which I can produce an account. I could have made a considerable advantage by selling the provisions, which were then very scarce, but fearing that it might be a reflection on me, I lent them to the planters, making agreement that they should restore the same amount in quantity and quality when the ships arrived this year, which they did, without any advantage, direct or indirect, to myself. But for the poor planters we would have starved. The detachment of troops left with me by Colonel Gibsone on his return to England was 299 of all ranks. As long as the extremity of the weather would permit I kept the men at work in finishing the fortifications and building the barracks, but plank was so scarce that the barracks could not be brought to that perfection to withstand such a terrible winter as this last, which, notwithstanding all the care that could be taken, with the scarcity of provisions and the hard work during the summer, cost most of the poor men their lives. For of the number already given, from the time of Colonel Gibsone's departure to my own, there died 214 besides the men of the train that died. If barracks of stone or brick be not built there, it will be impossible for the men to live, besides the hazard of fire.

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At my coming away I formed an independent company of 53 of all ranks, pursuant to my orders. The fortifications were all left in good condition, but the batteries at the harbour's mouth should be faced with stone or brick, or the surges of the sea will damnify them from time to time in the winter. A boom should also be laid across the harbour's mouth between the two batteries. The stores of Ordnance are in the charge of the officer of the train, so I say nothing of them. *Signed*, Tho. Handasyd. 2 pp. *Endorsed*, Presented by Lieut.-Col. Handasyd to the Board. Recd. Read 12 Dec., 1698. *Enclosed*,

1,041. 1. Return of the provisions received and delivered by Colonel Handasyd at St. Johns, Newfoundland. 2 pp. [*Board of Trade*. Newfoundland, 3. Nos. 127, 127 i.; and 25. pp. 259-261.]

Dec. 12. 1,042. Minutes of Council of Nevis. A letter from the Lords Justices was read, confirming the Council in the government of the Leeward Islands. Proclamation issued accordingly. [*Board of Trade*. Leeward Islands, 64. pp. 478-479.]

Dec. 12. 1,043. Minutes of Council of Virginia. James Sherlock acknowledged that (being deprived of the use of his hands) he was unable to discharge his duties as Clerk of Council, and Benjamin Harrison was sworn in his place. Bartholomew Fowler was sworn Attorney-General. Order for John Coode to be arrested, in accordance with the late Governor's proclamation, and for the Sheriff of Westmoreland to attend next Council and explain why he had not been arrested already. A written order was sent to Captain Aldred to return a seaman impressed by him, and to report what he had done in virtue of the impressment warrant granted to him by Sir E. Andros. Order for next Council to be on the 23rd of February, travelling being difficult at this season of the year. The Governor being obliged to go to Maryland for a few days, delivered his instructions, sealed up, to the Clerk of Council. [*Board of Trade*. Virginia, 53. pp. 163-165.]

Dec. 12. 1,044. Journal of Council of Trade and Plantations. Colonel Fletcher's petition of this day read (No. 1,040). Mr. Weaver's letter of 10th inst. read, concerning the prisoners that refused to return to New York. Resolved that the behaviour of the French in perverting their prisoners from their religion, as also the want of 200 recruits for New York, be remembered against some proper occasion.

Colonel Gibsone introduced Lieutenant-Colonel Handasyd and Captain Petit, the former of whom handed in papers concerning Newfoundland (No. 1,041).

Order for the Secretary to write to Mr. Burchett for a list of the men-of-war now attending the Colonies; and to remind the Attorney and Solicitor-General to answer his letter of 4 August last as to appeals to the King from Massachusetts in respect of penalties under the Acts of Trade.

Dec. 14. The Secretary was directed to inform Colonel Fletcher that his answer to the charges against him would be expected on the 18th inst.

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Order for the Secretary to write to Mr. Lowndes New Jersey (*No.* 1,049).

Representations as to the seals of Virginia and as to the Acts of Jamaica signed.

Order for Mr. Penn to attend on Friday, bringing Pennsylvania Act for preventing frauds and regula

Dec. 16. In reply to a letter from Colonel Fletcher, order inform him that the papers already delivered to the charges against him.

Order for the Secretary to give notice to Sir H attend the law-officers on the subject of appeals from

Order for a representation to be drawn respecting Mr. Penn attended with a copy of the Act, as order

Mr. Burchett's letter of 15th inst. with a list of attending the Colonies was received and read. [*Journal*, 11. *pp.* 299-304.]

Dec. 13. **1,045.** William Popple to the Attorney and S
Whitehall. Reminding them of his former letter of 4 August address from the Council of Massachusetts. [*New England*, 37. *p.* 56.]

Dec. 13. **1,046.** Minutes of Council of Massachusetts. James Convers and John Phillips in their negociation with the Eastern Indians read and approved. [*Board of Trade*, 49. *p.* 183.]

Dec. 13. **1,047.** William Popple to Mr. Burchett.
Whitehall. Trade desire the favour of you to let them know are now actually at the several Plantations in America, and signed thither, and at what time each of them is to arrive at each Plantation. [*Board of Trade*. Plantations, 395.]

Dec. 14. **1,048.** William Popple to Benjamin Fletcher.
Whitehall. petition of 12th, the Council expect your distinction of charges delivered to you on 28th ult., after which will be considered. [*Board of Trade*. New York, 1048.]

Dec. 14. **1,049.** William Popple to William Lowndes.
Whitehall. from Lord Bellomont that Governor Basse had called on the Council of New York the right of the Proprietors to have a port at Perth Amboy, directly contrary to the Council of 25 November, 1697, and to repeated orders to the Governor of New York. The Council of New York know whether the matter has been brought before the Treasury, and what orders they have given thereon. [*Board of Trade*. Proprieties, 25. *p.* 262.]

Dec. 14. **1,050.** Draft warrant directing the use of the Province of New Hampshire. 1 *p.* *Endorsed* [*Board of Trade*. New England, 9. *No.* 48; and

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Dec. 14. **1,051.** Draft warrant allowing and directing the use of a new seal in Virginia, with the following inscription round it, EN DAT VIRGINIA QUINTUM. [*Board of Trade. Virginia, 6. No. 78; and 37. p. 310.*]
- Dec. 14. **1,052.** Council of Trade and Plantations to the King. Submitting the new seal of Virginia, and the draft warrant of preceding abstract for approval. *Signed, J. Bridgewater, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Abr. Hill.* [*Board of Trade. Virginia, 37. p. 309.*]
- Dec. 14. **1,053.** Council of Trade and Plantations to the King. We lay before you nine Acts of Jamaica passed in 1695, of which five are expired, and six Acts of 1696, of which three are expired. We see no reason why the unexpired Acts should not be confirmed. *Signed, J. Bridgewater, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Abr. Hill.* [*Board of Trade. Jamaica, 56. pp. 242-244.*]
- Dec. 14. **1,054.** Minutes of Council of Nevis. Two letters from the Governor of Martinique read, as follows. The Marquis D'Amblemont to the Council of Nevis, 4 December, 1698. I have received letters from the King to take over the French quarters of St. Christophers. Copy of these letters were enclosed. No doubt you will have received corresponding orders on your side. I propose to start for St. Christophers on the return of the present messenger. No doubt you are as anxious as I to fulfil the conditions of peace honourably. *Letter ends. French.* The same to the same. I do not know who has succeeded to the authority of the late Governor Codrington. Pray be so good as to inform me, that I may know to whom to address myself for the restitution of the French quarters of St. Christophers. *Letter ends. French.* These letters were answered as follows.
Council of Nevis to the Marquis D'Amblemont. We have duly received orders for the restitution of the French quarters of St. Christophers, and shall be ready to restore them in ten days. The Commissioners appointed for the duty cannot be ready sooner, as they live to windward. *Letter ends.* Council of Nevis to Lieutenant-Governor Norton. Yours of 12th with the instructions as to the restitution of St. Christophers has reached us. You will order the English inhabitants to retire from the French quarters of the Island. Consult your Council and Assembly as to the number of men of Collingwood's regiment that you can quarter. [*Board of Trade. Leeward Islands, 64. pp. 478-481.*]
- Dec. 14. **1,055.** Minutes of Council of New York. Order for a pilot to take the seized ship Hester further up the river and provide for her safety during the winter. On the Royal Instructions that Ministers of the Church of England should be provided with a house to be built at the public charge, it was ordered that the rent of the house hired by William Vesey, Minister of New York, be paid out of the revenue till further order. Orders for audit of accounts. [*Board of Trade. New York, 72. pp. 174-175.*]

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Dec. 15.
Admiralty
Office.

1,056. Mr. Burchett to William Popple. In reply to yours of 13th I send a list of the men-of-war now attending the several Plantations in America. I cannot satisfy you how long each of them will remain there, but the Admiralty do not intend them to remain for more than a year unrelieved, or as little longer as possibly the service will admit the sending of other ships in their room. I send you the times of their sailing. *Signed, J. Burchett.* $\frac{1}{2}$ p. *Endorsed, Recd.* Read 16 Nov., 1698. *Enclosed,* 1,056. i. List of ships now attending the Plantations in America. *Jamaica*, H.M. ships Sandadoes and Maidstone, sailed 8 and 10 June, 1698. *Barbados*, H.M.S. Speedwell, sailed 8 June, 1698. *Leeward Islands*, H.M.S. Queenborough, sailed 8 June, 1698. *Virginia*, H.M.S. Essex, sailed 8 November, 1697. $\frac{1}{2}$ p. [*Board of Trade. Plantations General, 4. Nos. 147, 147 i.; and 34. pp. 895-896.*]

Dec. 16.
Whitehall.

1,057. William Popple to the Attorney and Solicitor-General. I have acquainted the Council of Trade with Sir Thomas Trevor's explanation of the delay in the report on the address from Massachusetts. You will consult Sir Henry Ashurst on the question, and if he neglect to attend you, you will draw out such a report as you can without his assistance. [*Board of Trade. New England, 37. p. 58.*]

Dec. 16.
Whitehall.

1,058. William Popple to Sir Henry Ashurst. The law-officers have acquainted me that their report on the address of the Council of Massachusetts (*see No. 677*) is suspended for want of your attendance on them. You will give them such assistance as you can. [*Board of Trade. New England, 37. p. 59.*]

[Dec. 16.]

1,059. Copy of a speech delivered by the Lieutenant-Governor of Pennsylvania to the Assembly, recommending them to pass an Act for adapting the Act of Parliament for regulating the Plantation Trade to local requirements. $\frac{1}{2}$ p.

Copy of the Pennsylvania Act for regulating frauds and preventing abuses in the Plantation Trade. 7 pp. *The whole endorsed,* Brought to the Board by Mr. Penn. Recd. 16 Dec., 1698. [*Board of Trade. Proprieties, 2. No. 40.*]

Dec. 19.

1,060. Memorial of William Penn to Council of Trade and Plantations. I have given the Secretary a copy of the law objected to (*see No. 1,059*) with my Deputy-Governor's speech on the subject, which, with the address of the Assembly, will, I hope, mitigate his fault, if on consideration it be still thought to be one. I have vetoed it, in consequence of one disagreeable clause, though the rest is much for the King's service. There is another slip to those of our persuasion that no provision is made for those that cannot swear other than in the laws of navigation, whereby we shut out our own people and confirm a grievance to ourselves by copying the said laws so close. The law itself is so darkly and inconsistently worded: in Section 10 juries are taken for granted in all cases concerned with illegal trade, which we have strictly copied. I hope the Lords will not think us so much disobedient as mistaken and

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unskilled in law. For the replevin of justice by one Morris, Governor Markham defends himself, I think, to the full, by refusing to grant a replevin himself and ordering the Sheriff to supersede that action, keeping the goods for the King's service. The people deny trading with Curaçoa, and, if the Assembly's address be believed, the country cannot be guilty of it. As to Randolph's charges, I am prepared to prove them to be in part malicious, and that if he was not guilty of perjury himself he ventures hard to perjure another man in proof of it. I shall always endeavour to stand well with the Council of Trade. If my attendance be required I beg that it may not be long, since the settlement of my only son awaits my return. *Signed, Wm. Penn. 3½ pp. Annexed.*

1,060. 1. Copy of Section 10 of the Act of Parliament for preventing frauds, etc. $\frac{1}{2}$ p. *The whole endorsed, Recd. Read 19 Dec., 1698. [Board of Trade. Proprieties, 2. Nos. 41, 41 1.; and (without enclosures) 25. pp. 272-275.]*

Dec. 19. **1,061.** Journal of Council of Trade and Plantations. Mr. Penn presented a memorial in answer to some complaints against him (No. 1,060). He added in discourse that he had sent two instruments to repeal the Pennsylvania Act for regulating trade; as he then represented that he had business in Bristol, it was not thought fit to detain him.

Representation concerning Rhode Island agreed to.

Dec. 20. Mr. Thomas Houghton presented a book concerning mines in Jamaica.

Secretary Vernon's letter of this day as to the examination of the charges against Colonel Fletcher read (No. 1,063) and order given to warn Colonel Fletcher thereof. Lord Bellomont's letters of 21, 24 and 27 October last, received yesterday, were read. List of the enclosures therein and of other documents also received.

Dec. 21. Colonel Fletcher's letter of yesterday read (No. 1,065), and order given for a copy to be sent to Mr. Vernon.

Mr. Usher's letter of 29 October, 1698, read.

Representation concerning Rhode Island signed.

Dec. 22. Order for copies of the papers received from Lord Bellomont as to ports in New Jersey to be sent to the Secretary of Customs, with an enquiry as to the issue of the trial of a ship seized in New Jersey by Mr. Randolph.

Dec 23. Copy of an Order in Council of 3 November as to Edward Walrond read (No. 970).

Mr. Blathwayt informing the Board of a design of the Duke of Courland to make a settlement at Tobago, the Secretary was ordered to write to Mr. Sansom on the subject.

Letters from Mr. Partridge and Mr. Benjamin Jackson of 11 November read, also Mr. Stoughton's letter of 24 October last as to French encroachments. Ordered, upon this last, that the Agents for Massachusetts attend on Thursday next, and that a letter be prepared to Mr. Vernon upon the matter. Mr. Addington's letter of 18 October, with public papers of Massachusetts read.

Colonel Quarry's letters of 10 September and 20 October last presented, and referred for consideration with the other business of Pennsylvania.

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Order for the Secretary to write to Mr. Sansom about a mistake in the instructions to the Proprietors of Plantations (No. 1,074). [*Board of Trade. Journal*, 11. pp. 305-315.]

Dec. 20.

1,062. Thomas Houghton to Council of Trade and Plantations. I send you the enclosed book to show you that I am not unfit to undertake what I propose to have done, viz., if you will grant me an order for the Governor of Jamaica to pay me £500 I will immediately take two or three miners with me there to discover mines, of which since the late earthquake there is great appearance. You may each of you have part of what shall be found, and allow me a proportionate part with you. I doubt not to discover silver, copper, or quicksilver mines in some of the King's Islands, any of which would reimburse the King in a little time. And since there is great probability of raising a sufficient profit for such of you as please to be concerned without putting you to any charge, as also of reimbursing the King for such charge as he will be at, I hope you will encourage so feasible and profitable an enterprise, especially as I propose to undertake it on such easy terms. I will wait on you in a few days to receive your answer. *Signed*, Thom. Houghton. 1 p. *Endorsed*, Recd. Read 20 Dec., 1698. [*Board of Trade. Plantations General*, 4. No. 148.]

Dec. 20.
Whitehall

1,063. Secretary Vernon to Council of Trade and Plantations. It is the King's pleasure that you proceed with all expedition in the examination of the matter relating to Colonel Fletcher. *Signed*, Ja. Vernon. $\frac{1}{2}$ p. *Endorsed*, Recd. Read 20 Dec., 1698. [*Board of Trade. New York*, 8. No. 31; and 53. p. 119.]

Dec. 20.

1,064. William Popple to Benjamin Fletcher. The King has ordered the examination of your affair to proceed with all expedition. The Council of Trade therefore expects your answer to the charges which have been delivered to you. [*Board of Trade. New York*, 53. p. 119.]

Dec. 20.

1,065. Benjamin Fletcher to William Popple. Yours of to-day found me engaged in preparing my answer, which will very soon be ready; but hearing of the arrival of a ship from New York in the Downs, I hope that it may bring papers which will be useful to me in part of my answer. *Signed*, Ben. Fletcher. $\frac{1}{2}$ p. *Endorsed*, Recd. Read 21 Dec., 1698. [*Board of Trade. New York*, 8. No. 32; and 53. p. 120.]

Dec. 20.

1,066. Minutes of Council of Montserrat in Assembly. The Council answered several proposals of the Assembly, as follows. (1) We concur as to renewing the Act for an impost on liquors for a year, and as to publication of the date for putting the imposts and the licence on taverns up to farm. (2) We concur in thinking that the judges and justices of the island should be sworn, but we think the laws of England sufficient without a local law to prevent Roman Catholics from holding office. (3) We consent to the election of two coroners. (4, 5, 6) We consent as to certain Acts and a certain trial at law [*details not given*]. (7) We consent to the drawing up of an Act concerning warrants of arrest. (8) We think that the present number of members of Assembly is sufficient and that an

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Act should be drawn up to regulate the Assembly. (9) We think that a surveyor should be appointed, and an Act drawn to regulate his fees. (10) We believe that no person is obliged to give more than he is willing to give for a commission. (11) We approve of building a house for the Assembly to sit in. (12) We agree as to the appointment of a joint committee to draw up the Acts aforesaid and to audit the accounts. We recommend that provision be made for maintenance of sick and wounded soldiers of the King's regiment, that the Sessions-house and gaol be repaired, and that some care be taken to supply the country with arms and ammunition.

Dec. 21. The farm of the impost on liquors and licence for taverns was let to William Frye for the next year for 70,000*lbs.* of sugar. [*Board of Trade.* Leeward Islands, 64. pp. 537-539.]

Dec. 20. **1,067.** Minutes of Council of Nevis. Two letters to the Lieutenant-Governor of Montserrat read and approved, the one asking for what number of men of Collingwood's regiment the island can provide quarters; the other warning him that, as one of the Commissioners for the restitution of the French part of St. Christophers he must be prepared for the duty on or before the 24th December. Proclamation for any that know anything of Thomas Cressey's confession in relation to the late conspiracy against the King, to attend and give evidence before the Council. [*Board of Trade.* Leeward Islands, 64. pp. 482-483.]

Dec. 20-22. **1,068.** Minutes of Council and Assembly of Antigua. In reply to a message from the Council the Assembly represented that the failure to transact business in its late meetings was due to the want of a full Council, and asked that the Act of Aliens and Marriages might be passed. The Council denied that the failure was due to want of a full Council, and the Assembly yielding to them sent up two separate Acts concerning aliens and mixed marriages, the former of which the Council approved with some slight amendments but held the latter back. A conference was then held upon the Mixed Marriages Act, after which the Acts for Courts and for Militia were sent up by the Assembly, which further voted £150 to the Deputy Governor. [*Board of Trade.* Leeward Islands, 64. pp. 286-290.]

Dec. 21. **1,069.** Minutes of Council of Barbados. The Governor having been taken ill in Court, it was debated whether he had power to adjourn Grand Sessions. The Council decided that he had such power, and the Assembly concurred. [*Board of Trade.* Barbados, 64. pp. 381-382.]

Dec. 21. **1,070.** Journal of Assembly of Barbados. The Assembly's address concurring in the adjournment of Grand Sessions (*see preceding abstract*). [*Board of Trade.* Barbados, 65. pp. 327-329.]

Dec. 21. **1,071.** Council of Trade and Plantations to the King. We beg Whitehall to lay before you a further report as to illegal trade and piracies, in particular connection with Rhode Island. That colony is incorporated by letters patent and governed by a Governor, Deputy Governor

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and ten Assistants, with subordinate officers and a General Assembly chosen by themselves. It has been frequently reported to us by the officers of your Customs that the whole body of the magistrates and inhabitants claim exemption from the obligation of taking an oath, and that in consequence their partiality is so great that no manner of justice is done or can be expected among them. One instance is the refusal of Walter Clarke, lately Governor, to swear to the observance of the Acts of Trade, as the enclosed depositions show (*see No. 282*). Their favouring of pirates and carrying on of illegal trade has been so often complained of, and the instances so manifest, that we cannot doubt it, and we are confirmed herein by the letters of Lord Bellomont and Mr. Randolph. Lord Bellomont adds that he is well informed of their constant encouragement of pirates, from which we may conclude that there are but faint hopes of the prosecution of these crimes in a Court of Admiralty of their own erecting. We must add that we cannot find that they have any right to Admiralty power or jurisdiction, though Governor Cranston in a letter to us (*see No. 494*) owns it and insists upon it, giving the instance of one William Maye who received a privateer's commission from that Government. We are not only assured that they have no right to give these commissions, but we have reason to believe that they have done so knowingly for unlawful purposes. Recently you directed Courts of Admiralty to be erected in all the Colonies, but in Rhode Island the aforesaid Walter Clarke refused to swear the Judge appointed by you, and by detaining his commission frustrated your intentions. The Government of Rhode Island has never presented its Governor for the Royal approbation, as required by Act of Parliament, and the other Charter and Proprietary Governments have also been faulty in this respect. Again, in compliance with an address from the House of Lords you required the Governor and Company to give security for the due observance of the Acts of Trade and Navigation by its appointed Governor or Deputy Governor, yet Rhode Island has not done so, and the other Proprietary and Charter Colonies have also declined to do so, though we have already reported to you our opinion that they would do much towards redressing the irregularities in the Colonies. We therefore recommend that for the prosecution of these misdemeanours in Rhode Island a commission be sent to Lord Bellomont to enquire into all these matters in order to a *quo warranto* or such other proceedings for remedy of these evils as you think meet. Signed, J. Bridgewater, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen, Abr. Hill. [*Board of Trade. Proprieties, 25. pp. 275-281.*]

Dec. 22.

1,072. Minutes of Council of Massachusetts. A commission issued for trial of Jacob Smith for piracy. Proclamation ordered forbidding the inhabitants to accept licences from the French to fish off the coast of Acadia. Orders for several payments, including £100 to John Nelson for his expenses in collecting the French prisoners, redeeming the English captives and other good service, and £4 to two Indians for service as soldiers in 1696. [*Board of Trade. New England, 49. pp. 184-188.*]

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Dec. 22.
Whitehall.
- 1.073.** William Popple to John Sansom. I am directed by the Council of Trade to send you several papers concerning Governor Basse's opposition to the Order in Council of 25 November, 1697, respecting the port of Perth Amboy in New Jersey. The Council of Trade observes that Mr. Basse now rests his pretensions chiefly on the commissions given by the Commissioners of Customs to their officers at Perth Amboy. The Council desires to know whether the Commissioners have received the like information hereon and what orders they have given thereon, as also that they will give their opinions on the enclosed papers, since obedience to the Order in Council seems to be of the greatest importance to New York. The Council desires also to know the subject and issue of the trial of a ship seized by Mr. Randolph in the Jerseys. [*Board of Trade. Proprieties, 25. pp. 282-284.*]
- Dec. 23.
Whitehall.
- 1.074.** William Popple to John Sansom, Secretary of Customs. There were some instructions prepared by the Commissioners of Customs above a year ago for the Governors of Colonies with relation to the Acts of Trade. The Council of Trade supposed these to have been despatched by the Treasury, and knew nothing to the contrary till Mr. Day came to enquire for them before starting for the Bermudas. Since that time several copies have been sent to several of the Colonies, but there are still copies to send to the Proprieties. In the original copy sent to the Council of Trade there is a marginal note to the 13th article, that it should be omitted to the Governors of Proprieties. Should not this note have been placed against the 15th article? [*Board of Trade. Plantations General, 35. p. 1.*]
- Dec. 23.
Whitehall.
- 1.075.** William Popple to John Sansom. The Council of Trade have received information of an intended settlement on the island of Tobago, under the protection of the Duke of Courland, which would be very prejudicial to Barbados, and that two ships are now fitting out from hence upon that design. I am to ask you if there are any ships now entered at the Custom-house for Tobago direct, or if, among the entries for Barbados, you have cause to suspect that the ships are bound to Tobago. Some instructions were prepared by the Commissioners of Customs over a year ago, which the Council of Trade supposed had been long ago despatched to the Governors of Colonies by the Treasury, until Mr. Day came the other day to enquire for them. I am to enquire whether it be not an error that a marginal note to these instructions marks the 13th article to be omitted to the Governors of Proprieties, and whether it is not the 15th article which should be so marked. [*Board of Trade. Barbados, 44. pp. 233-235.*]
- Dec. 23.
Whitehall.
- 1.076.** William Popple to the Agents for Massachusetts. Desiring the attendance of one or both of them on Thursday at 10 a.m., on the subject of the encroachments of the French, referred to in Mr. Stoughton's letter of 24 October last (No. 922). [*Board of Trade. New England, 37. pp. 81-82.*]
- Dec. 24.
London.
- 1.077.** Benjamin Fletcher to Council of Trade and Plantations. When the Duke of Shrewsbury sent me my recall from New York, he wrote that this was not done because the King was dissatisfied

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with me, for that his Majesty would take care otherwise. My appointment to New York was not of me and not of my seeking. I arrived there on 1692; and on the next day the Council appointed Mr. Graham to lay the state of the province to account was as follows. The Government was at credit left, and the people most unwilling to pay. The fort of New York was in a very bad condition, tumbling down. The fortifications on the frontiers in repair, the soldiers insufficient to defend them, wavering. The extreme frontier, Senectady, had been burnt and many people destroyed. In a week I went to Albany, 150 miles, and to Senectady, 20 miles, and presently began, and afterwards continued both at Albany and Senectady, to put things into such a state of defence that I lost no part of his dominion, nor, as I hope, of his dominion in the war. As to civil affairs, your own books are full of the confusions which arose in New York through the death of Jacob Leisler and of Milborne his Secretary. I set many of his associates in prison and under sentence of death. These I set at liberty, and turning all my thoughts to the animosities which had run the people into general rebellion, by God's help appease all marks of distinction, and prefer into places and commands such as were of the different nations of the province were never more in want of trade and plenty than when I left the place. I have from the public attestations which I have from the English, Dutch and French nations who there have been so freely given me as they were at my departure, that the ill Governor which some have laboured to make of myself could have accused me of any heinous thing, but reverence to God's laws, defect of courage or zealousness of public or oppression of the meanest subjects, I should have little minded what now they have raised. I am sorry that I am not to know my accusers, nor in the event of being attacked, for I might have spared you time and that my counter-witnesses may be examined in a short and defective defence.

As to the 1st, 2nd, 3rd, and 5th heads again, I have the following. About April, 1693, Mr. Nicoll (whom the Council of Council and who also practised the law) informed me that the Jacob, Edward Coates master, was come from Long Island. This ship (he continued) had been taken from the French Union of Rochelle, had been taken from the French by the Admiral Leisler, and had been sold by Milborne to the Dutch, and others, the captors. These had obtained a commission from the French, gathered a crew from the neighbouring Colonies, and after roving till they came to Long Island. Then hearing of Leisler's death, they mutinied, ransacked the ship and dispersed, and the ship belonged to New York had sent two of their officers to demand for permission to return home; if they

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refused they were resolved to seek some other port. My answer was that I would do nothing in a matter so new to me without consulting the Council, before whom the matter was accordingly laid. The excuse of the Council was that though the long absence of these men laid them under suspicion of having gone to the Red Sea and for wealth, yet that, she being a ship of force, it was possible that she might have taken it from pirates; that since they had started from New York and those who addressed me belonged to New York, they could more easily be found there and made answerable to law in case of future complaint against them; and that, the province being then exhausted in men as well as money, nothing could be worse than to drive these men to other parts. The Council therefore unanimously advised that the men should be received into the protection of the Government on giving security to be answerable to law and not to leave the province without licence for a year and a day; and to this resolution I conformed, but I positively deny that I influenced any member of the Council thereto; on the contrary, when some of them urged the law mentioned in the charges, I convinced them that it could give no countenance nor authority. Yet they were unanimous, and not only advised as above, but requested my concurrence, so far was I from persuading them to their vote. I also deny that any of the ship's company or any other ever treated with me, or with any for me, directly or indirectly, for the protection aforesaid, or for the bringing of the ship to New York. I can produce a gentleman of credit who can testify that one of the crew (who was reported to have sworn against me in this case) told him that he was frightened to it and did not know what he had done. Time may bring to your notice other instances of the like. I acknowledge, however, and did never disown that some time after the fulfilling of the Council's resolution aforesaid, the owners of the ship publicly and openly offered her to me as a present. As she lay under no forfeiture, condemnation nor arrest, I accepted her, and shall nakedly acquaint you how I disposed of her. It is objected that the securities given do not now remain among the public papers of New York. I say that they did remain there for a year and a day, when, the time being expired and no prosecution made, the sureties claimed their bonds (as by law they might) and received them. My motives for accepting the ship were as follows. The victuallers of the forces had a great arrear due to them and were unwilling to give further credit. A merchant of the place bid £800 (New York money) for the ship and had it accordingly. I touched no part of the money, but directed it to discharge and supply the victuallers, which was honestly done. Hereupon I wrote to the Colony's Agent in England that when he could recover the value of the money (about £600 sterling) he should remit to me in Ireland, where my small patrimony of an adventure had been laid in ashes by the rebellion. Let me mention here that I took part in the Irish war and appeal to all the commanders in the Army as to my behaviour, and as to whether in thirty years' service any complaint was ever brought against me not only from officer or soldier, but from the inhabitants of any corporation, when I often commanded. So far was I from making gain by the misfortune of our friends that I never did it from the

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ruin of our enemies. I presume that it was the behaviour that sent me to New York, for I had never been there till it was proposed to me. What Governor would I have been in my ruined circumstances but even in the greatest distress having a present publicly offered to him, falling so far from being not by any fraud or contrivance, would refuse it? I am sure it was rashly or inadvisedly done by me, and I of all men am most sensible of the guilt of accepting a present, then I submit myself to the judgment.

Charges 4 to 12 relate to the actions of those concerned in the granting of commissions and protections to them, and the security taken and the neglect to prosecute. The pirates are Edward Coates, Rayner, Thomas Tew, John Hore and Thomas Moston. I here solemnly swear that I never in my life concerned, directly or indirectly, in any unlawful trade; that I never had, nor any other for me, any share in the ship Jacob, presented to me, or in the hearsay of his giving £1,300 for his share to me, which I hope it will be discovered. In general, I never gave commissions without the Council's approval, and without any promise or expectation of reward, though I am not disposed to believe that for such instruments so great a reward concerned might pay fees to my servants, who drew their despatches, but whether they gave or not, other gratuity never fell within my cognisance. As to my neglect to prosecute persons now called pirates, complaints brought before me on which to ground a prosecution. If any of the persons are now discovered by law and a good magistrate can prosecute them, then their giving sureties is elapsed and their bonds are void, the weakness and inefficiency of the sureties, I depended wholly on those whose duty it was to take the ability of those persons. If a servant of mine was concerned in any such surety it was unknown to me. If the man complained of still in my service, so that I could be for himself to the charge of tampering with the evidence, if found guilty, no man can feel greater indignation than myself. As to the case of Rayner I never saw him, nor do yet believe, that he had served with Tew on his piratical voyage. But I well remember that my counsel brought me a complaint that the Sheriff of New York had seized the effects of one Rayner, without a legal process, and prayed for an order of restitution until he were accused in due course of law. I thought justice required; and if the goods were now represented I might have been suddenly reproached for a present of £50, New York Commissioners to Tew, Glover, Hore and Moston, and the advice and full approbation of Council, the reputation for bravery and courage. Hore, on his commission from the Governor of Jamaica, had taken a powerful ship from the French, and sent her into Rhode Island, and for which I gave him a commission.

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the French. Glover was an inhabitant of New York and master of a ship built there and then riding in the harbour; he had another ship of the like sort. Tew had held a commission from the Governor of Bermuda, and having then another ship riding at New York, I granted him a third to make war on the French. I could ill have answered the refusing commissions to men who undertook to make war on the French. I never knew nor heard that any of them intended for the Red Sea or had ever been there except Tew, who openly vowed and protested never to return thither again. Glover, I hear, went directly with a cargo to Barbados, took a new commission from the Governor there, was sent thence for negroes to Madagascar and was then taken by the pirates. If Tew and Hore did abuse their commissions and turn pirates, it is an event that has happened before; but as I could not foresee it I could not prevent it. The same applies to Moston's case, which was as follows. Several English and Dutch merchants had hired the ship *Fortune* to bring negroes from Madagascar, which was every year usual with them. They asked for a commission, which considering the quality of the men and the opinion of the Council, I granted, though I do affirm that I never knew nor was informed that she was an unfree bottom, or I should have held my hand. As to my intimacy with Tew, the truth and whole truth of that poor affair is this. This Tew appeared to me not only a man of courage and activity, but of the greatest sense and remembrance of what he had seen of any seaman that I ever met with. He was also what is called a very pleasant man, so that sometimes after the day's labour was done, it was divertisement as well as information to me to hear him talk. I wished in my mind to make him a sober man, and in particular to cure him of a vile habit of swearing. I gave him a book for that purpose, and to gain the more upon him I gave him a gun of some value. In return he made me a present which was a curiosity, though in value not much, and this is the sum total of the kindness that I am charged with; for as to his coming to my table (which I think was such as became me and was hospitable to all), I hope that will not stick upon me if you enquire what others have done and still do in that kind.

The 13th charge (12th *charge* in No. 1,007) I confess looks like a probable consequence; that if the revenue decreased when trade increased, there must have been connivance in illegal trade. I repeat that I have never been concerned in any trade; but I am told that this consequence results from the alteration of trade. Formerly the chief trade of New York was principally to and from Europe, and the city was the principal mart of European goods for the neighbouring Colonies. The merchants found their losses in ships and goods so heavy during the war that, for greater security, they traded chiefly with their neighbours and with the West Indies, and in such exports and imports as brought little duty to the King. It is said that the other Colonies have lately fallen into direct trade with Europe, and obtain from England things which they were wont to obtain at New York. You will be able to ascertain the truth or untruth of this by examining those who are conversant with trade. But I affirm that I did all that in me lay to execute

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and enforce the Acts of Trade and Navigation. As that, unless it were the Jacob (of which before), I New York from the Red Sea or the East Indies in

As to the 14th and 15th charges (13th and 14th respecting land-grants, I cannot answer so particular copies of the papers relating thereto, but I will say was one of my instructions that when any opportunity for purchasing large tracts for the King from the Indians, I was to use my discretion therein. Peter Company, being four Dutchmen of Albany, set forth a petition their good service on the frontiers during the war, and asked leave to purchase some lands from the Mohawks. On the merit of the men, I and the Council gave our consent, willing to extend the King's dominions as far towards the frontiers as possible, and hoping that in due time the frontier might preserve a second destruction from the French. Accordingly, in July, 1697, the petitioners presented to me a petition for a tract of land, and eight of the petitioners for the consideration given signed and sealed a contract to purchase land to them, in as solemn a manner as any I had before, yet reserving to themselves and their heirs and assigns the ground as they or their heirs should have occasion for. The contract was brought to Council and the grant was made. The Mohawks had the same use of the lands as they had before the French were excluded from any such purchase. I was satisfied that I ordered that the petitioners should pay even the common fees of the seal. How those Mohawks been stirred up to complain I do not know and was not my business, but if the grant does really offend them and may be as is alleged, it is not very hard for the Governor to rectify it, too, if defects appear in this or any other grant, sure the Governor General, who drew them and knows the forms and the province, is accountable for the same. You will find that all the most valuable land in the province I saw away before I went there, and that some of the Governor's tracts thereof. As to the King's Garden I remember at the beginning of 1696 Colonel Caleb Heathcote petitioned to erect a wood-wharf (as a thing of public convenience) on a piece of ground lying to westward of the stockade of the King's Garden and so down to low water mark, about 120 feet. A Committee of Council was appointed to survey the ground, and their report a lease was granted him for 41 years at the rent of one shilling quit-rent. I never saw nor heard of that spot was reputed to be part of the King's Garden or of necessary use to any Governor. I certainly found that. As to the King's Farm, I did indeed grant a lease of that farm. The case was thus. When Sir Edmund Andros was Governor, the Duke of York he granted a lease of that farm for ten years at an annual rent of 60 bushels of wheat. The term expired and he offered and refused £200 for a lease; but as a building for the English part of the Colony (of which I was before I came) I, for the encouragement of that work, granted the lease thereof to the churchwardens. It was without fin

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and for seven years only. But if building churches be a crime I shall take warning how I build any more. I will only add that I never took an acre of land for myself or children, nor had reward for any that was granted.

The complaints in the 16th (15th in No. 1,007) sound highly criminal against me as a soldier until I explain the whole matter to you. I utterly deny the charge of hard usage of the soldiers and detest that of having defrauded them of their subsistence or of the pay voted to them by the country (which was only for one year) or of having stopped their subsistence when any of them were allowed to work. On the contrary, it was my constant care by sending victuallers to provide them wholesome diet and give them all possible due encouragement; but all my care could not avert the death of some and the desertion of many more. As to the cause of this, and as to the harsh charge of sending home false muster-rolls, I would set forth as follows. While the country raised enough for the war to give the soldiers the extra fourpence a day (which help was granted and enjoyed for but one year) the desertions were very few; but when this help failed numbers deserted and I was very hard put to it to supply them, for having no power to press the men of the Colony (which was but thinly peopled) I was constrained to hire men at their own rates, often at £4 or £5 per man, nor would any of these indent for more than a year's service. When the desertions and deaths had been made good by my advancing considerable sums, then and not before were the muster-rolls sent home full; had it been otherwise, the whole charge and maintenance of these recruits must have rested on me. This was the method which I followed until my Government was transferred to another and no power was left to me to recover money that I should in like manner lay out. I agree that at my successor's arrival and after the peace there were many men found defective, and it is not to be wondered at, for the poor soldiers had wanted their clothing as well as their off- reckonings for two years. But who it was that stopped the coming of these things, when sent for and in a way of providing, and who had the tallies for £1,500 for these ends, you may easily ascertain by enquiry at Lord Ranelagh's office, as also you may ascertain elsewhere the reason why, in the dearth of men complained of, seventeen of my company, most of them sent as recruits from England, should be disbanded without the clothes they had served for or any money in lieu thereof. I mention this only in compassion to men I know and who bring their cries to me when I am unable to help them.

The 17th charge (16th in No. 1,007) is that I neglected the fortifications of the frontier, and did not demolish Cadaraqui. As to the latter point, I assert that being at Albany I not only called a Council of War, but held conference with the Indians about the work. They confessed that the fort of Cadaraqui was 400 miles off, that it was built of lime and stone, and was a regular fortification, that it was situate on a tongue of land between a river and a lake, and that the mountains and morasses in the way made marching very difficult even for light and single men (one of the morasses being 20 miles long); on which the Council, considering the force and materials that must be employed, unanimously

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declared under their hands that the project was i therefore furnished the Indians with arms and defend the fort if a resettlement should be attempt them to be on their guard, and promised upon time succours to them. But the French came afterwards them. They never sent me notice, and have st that it was their own fault and misfortune, howev be now otherwise instructed. Time was that they of another mind, when they gave me the name Arrow to acknowledge my being suddenly with th As to neglect of our own fortifications, they were which is very subject to decay. I found them ver forts of Albany and Senectady were both new stool supplied with such addition of great guns and ne the war that the enemy durst not approach. Nor this part when the danger was less, whatever ma to the contrary. At New York I renewed all the so the two bastions towards the sea with freestone; I ground the curtain between the two bastions; well and a large cistern for water; pulled down the barracks; made new carriages for thirty-six gu to protect the field pieces against weather; new-bu finished it to the pews. The Governor's house, shingled by me, two rooms wainscotted, an addit and shingled, though not finished within; a without the fort-gate, and 1,050 tons of lime paid for pointing and rough-casting the fort. As to (17th in No. 1,007) of giving Nodin an illega zenation, I say that every Colony desires an inc and that I followed my predecessor's exam denizenations to several poor French. I do not in particular, but I do remember well that when General demanded £5 fee in such cases I forb all to be taken from the poor French Protest presume is now remembered against me. But s illegal has been done herein somebody else is to bl grants can injure the plantation-trade, for they ar that in this single article alone it is objected that out authority, so that if in all other things I wen the Council, it was as my instructions commande 19th (18th in No. 1,007) and last complaint is t write to the Governor of Canada when sending peace. I answer that I had no notice nor order from Whitehall, but heard of it from my friend Governor of New England. I sent notice of wh Governor of Montreal, that being the garrison New York, for the prevention of hostilities, but I Governor of Canada, nor could I have written to had desired it.

Thus far I am able to answer without knowing their evidence, and having no more allowed to r heads of complaint. But I cannot be ignorant t Scotchmen got into credit who are my mortal ene

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able not only to trouble a province, but to turn it upside down, and if they can by successive complaints keep me under prosecution they will have their ends. For I am thus hindered from any credit with you for what I could advise after near six years' experience for the peace of the Colony and the preservation of our Indian friends. God grant that the needful information may not come too late. As to myself, when I consider the cloud I am under, the bitterness with which I am pursued, and the ransacking of all my actions, I only wonder that in so many years' administration I should not have fallen into more absurdities and errors than what my enemies accuse me of. It is certain that a Governor must make enemies if he punish bad men or even prevent them in their ill design. But were I the wicked man they paint me for, where are the complaints of any single man who is credible, or of any body of men either in New York, Pennsylvania, or Connecticut, where I also commanded, or from the Jerseys, with which I was in constant intercourse, or from New England with which, though remoter, I was in correspondence? It is certain that I ever acted according to the best of my understanding, though not as a greater and wiser man might have done. I hope you are convinced now that I never touched any of the public money and that there was no reason to require of me at parting the extravagant bonds of £10,000 for which fourteen principal men still remain bound without cause. Invidious reports have been spread that I had gotten some say forty, some say twenty thousand pounds, and made this the measure of my guilt. I invite the closest scrutiny as to the truth of what I say. I have not got full £3,000, if I had all that is my due. It is as yet little over £2,000, and when I shall get the arrears due to me from the Exchequer and for what I have advanced from the subsistence of the companies it will all fall under £3,000. Mr. Gilbert Heathcote can better than any other man inform you herein. After going with my wife and family to so remote a part, twice from New York to Pennsylvania, once to Connecticut, every summer to Albany, staying there one severe winter, and being in every place where the danger of war called me, I submit to you whether £3,000 for six years' care in the best part of my life is an invidious sum. I trust to your justice and candour that you will not allow me to be stifled by any enemies, but will concur in the King's opinion, who, when recalling me, declared that he was not dissatisfied with me, but would take care of me and employ me in future. Signed, Ben. Fletcher. *Endorsed*, Recd. 24th, Read 29th Dec., 1698. 31 pp.

Abstract of the foregoing. 2 pp. [*Board of Trade*. New York, 8. Nos. 33, 34; and 53. pp. 148-173.]

- Dec. 24. 1,078. Minutes of Council and Assembly of Nevis. On the proposal of the Assembly the Council concurred in the preparation of an Act to confirm five Acts passed on 1 April, which need confirmation since they were not sent home within three months; and consented to the issue of a writ for election of two new members to fill vacancies in the Assembly. [*Board of Trade*. Leeward Islands, 64. pp. 483-484.]

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Dec. 27. **1,079.** Minutes of Council of Montserrat. A President of Nevis, together with two copies of letters by him from the Lords Justices of England, were in Assembly. [*Board of Trade.* Leeward Islands, 6

Dec. 29. **1,080.** Minutes of Council of Massachusetts. payment of £750 to the Commissioners of War for soldiers and the Province galley. The judges Court took the oaths of office, and were appointed for the trial of Jacob Smith for piracy. [*Board of Trade.* England, 49. pp. 189-190.]

Dec. 29. **1,081.** Memorial of the Agent for New York Trade and Plantations. Lord Bellomont has given instructions to represent to you the miserable state of New York. Neither officers nor soldiers have received from the Treasury for twenty-four months. who have given credit to the Government for soldiers' troops have so much due to them that without which they will refuse further credit. The officers also centinels' subsistence on the same credit, except which Bellomont paid them on his own credit, and which discharged from the Exchequer. Without immediate aid feared that the Government's credit with the vict the soldiers desert and the officers resign. The when they find we have no strength to support fur-trade will pass to the French, and for want of whole province and the neighbouring Colonies will if another war should break out. The forces at the same establishment with the forces in England are to be paid out of the same funds. Lord Bellomont's speedy representation of these matters to the King of the Treasury. Signed, T. Weaver. 1 p. Read 29 Dec., 1698. [*Board of Trade.* New York, 53. pp. 146-148.]

Dec. 29. **1,082.** Council of Trade and Plantations. Whitehall. Vernon. Since our letter of 8th inst. reporting the French Governor of Canada to the Five Nations received accounts of further encroachments of Massachusetts in Mr. Stoughton's letter of 24 Oct. entreat you to lay likewise before the King. their claims is as follows (*see No. 922*), and the Mons. Villebon's letter enclosed in Mr. Stoughton they insist on them. We would add that this theirs by land would deprive us of four or five of harbours, but would open to them and close to us districts for Naval stores. This letter is confirmed by commissions to examine Naval stores, who are ordered will see, too, that while the Governor of Canada English subjects of New York, Mons. Villebon declares English subject to settle in Acadia. Lastly, the declares himself specially instructed to govern

1698. Treaty of Neutrality of 1686. *Signed*, J. Bridgewater, Wm. Blathwayt, Jno. Pollexfen, Abr. Hill. [*Board of Trade*. New England, 37. pp. 84-87.]
- Dec. 29. **1,083.** Journal of Council of Trade and Plantations. Lord Bridgewater presented a letter from the Assembly of Antigua of 12 August last (No. 747), with another concerning John Lucas's case.
Letter to Mr. Vernon as to French encroachments in America signed.
Mr. Weaver's memorial as to the forces in New York read (No. 1,081). Ordered that a copy be sent to Mr. Lowndes with an expression of the Board's opinion thereon.
Governor Fletcher's answer to the charges against him read (No. 1,077). Order for copy to be sent to Mr. Vernon, and for Mr. Weaver to be allowed a sight of it with copy of extracts or of the whole, as he may desire.
- Dec. 30. Order for Governor Fletcher to attend on Thursday next, and to have the depositions in his favour properly attested. Lord Bellomont's letter of 7 November read. Order for copy of that portion which concerns Mr. Brooke to be sent to Mr. Lowndes for communication to the Commissioners of Customs. List of enclosures in Lord Bellomont's letter.
Order for the Secretary to write again to Mr. Sansom to ask for an answer to his letter of 23rd inst.
Lord Bellomont's letter of 8 November read, and order given as to an answer thereto. List of the enclosures in the above letter. Lord Bellomont's letter of 14 November read. Letter to Mr. Vernon enclosing the charges against Colonel Fletcher and his answer thereto, signed. Mr. Weaver asked for a copy of the said answer, whereupon order was given for one to be delivered to him.
Order for a representation to the King as to the ships of war necessary to attend the Plantations. [*Board of Trade*. Journal, 11. pp. 315-324.]
- Dec. 30. **1,084.** William Popple to William Lowndes. I enclose a memorial from Mr. Weaver (*see* No. 1,081) to be laid before the Lords of the Treasury. It is extremely necessary that speedy order be given for support of the forces in New York. [*Board of Trade*. New York, 53. pp. 173-174.]
- Dec. 30. **1,085.** William Popple to William Lowndes. Forwarding copy of Lord Bellomont's letter of 7 November (No. 978) for the information of the Treasury. [*Board of Trade*. New York, 53. p. 211.]
- Dec. 30. **1,086.** Council of Trade and Plantations to Secretary Vernon. We are proceeding with all speed in the examination of Colonel Fletcher's business. We send you copies of our charges and his answer. *Signed*, J. Bridgewater, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen, Abr. Hill. [*Board of Trade*. New York, 53. pp. 210-211.]
- Dec. 31. **1,087.** Minutes of Council and Assembly of Nevis. On the request of the Assembly the Council fixed a day for perusing

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and passing the Acts newly prepared. The Assembly also addressed the Council as to Thomas Cressey's confession of being implicated in a conspiracy against the King, to which the Council answered that the matter did not lie before the Assembly, but that they would look into it. The Council consented to a proposal for engrossing the Act to confirm certain former Acts, with a view to passing it speedily. [*Board of Trade*. Leeward Islands, 64. pp. 484-485.]

Dec. 31.
Nevis.

1,088. President and Council of Nevis to the Lords Justices of England. We have reported the death of Governor Codrington and have assumed the Government of the Leeward Islands pursuant to the Royal instructions to him. Yours of 29 September and 20 October reached us on the 12th inst., and were at once communicated to the other islands that they might prepare to receive Colonel Collingwood's regiment. *Signed*, Wm. Burt, Walter Symonds, H. Holt, Dan. Smith, Jno. Smargin, Richd. Abbott. $1\frac{1}{4}$ pp.

Copy of the above. 1 p. [*America and West Indies*. 551. Nos. 90, 91.]

Dec. 31.
Nevis.

1,089. President and Council of Nevis to Council of Trade and Plantations. Four days after our last letter we perceived that by the death of Governor Codrington and Colonel Hill and by the supersession of Colonel Gardner, the Government of the Leeward Islands devolved upon us, and we assumed it accordingly. On the 12th inst. we received our confirmation therein, together with the letter announcing the coming of Colonel Collingwood's regiment. We at once communicated this to the other islands, in order that healthy quarters may be prepared for the men. The Marquis D'Amblemont has demanded the restitution of the French part of St. Christophers, and we daily expect him to come and receive it. *Signed*, Wm. Burt, H. Holt, Walter Symonds, Dan. Smith, Jno. Smargin, Richd. Abbott. $1\frac{1}{4}$ pp. *Endorsed*, Recd. Read 20 March, 1698-9. [*Board of Trade*. Leeward Islands, 5. No. 127; and 45. pp. 331-333.]

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